

Calendar No. 149

107TH CONGRESS } 1st Session }	SENATE	{ REPORT 107-60
-----------------------------------	--------	-----------------------

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

SEPTEMBER 4, 2001.—Ordered to be printed

Mr. BIDEN, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany S. 1401]

The Committee on Foreign Relations, having had under consideration an original bill to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes, reports favorably thereon and recommends that the bill do pass.

CONTENTS

	Page
I. Purpose	1
II. Committee Action	2
III. Summary of Funds	3
IV. Section-by-Section Analysis	4
V. Cost Estimate	37
VI. Evaluation of Regulatory Impact	44
VII. Changes in Existing Law	44

I. PURPOSE

The Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, authorizes funding for the Department of State, United States international broadcasting activities, and other foreign affairs programs for FY 2002 and 2003. The bill also addresses several important regional or functional foreign policy issues.

II. COMMITTEE ACTION

The Committee has held several public hearings this year focused on the issues addressed in this legislation. On February 28, the Committee heard testimony from the leaders of an Independent Task Force on State Department Reform. On March 1, the Committee reviewed the narcotics certification process. On March 8, Secretary of State Powell testified regarding the President's budget request for international affairs. Since the beginning of the year, the Committee has also held numerous confirmation hearings for nominees for senior positions in the State Department and for ambassadorial positions, during which policy issues pertinent to this legislation were discussed at length.

The Committee considered an original bill on August 1, 2001. During the mark-up of this legislation the Committee adopted a managers' package of amendments by voice vote. An amendment offered by Senator Kerry expressing the sense of the Congress on global warming was adopted by a vote of 19 to 0. Ayes: Biden, Sarbanes, Dodd, Kerry, Feingold, Wellstone, Boxer, Torricelli, Nelson, Rockefeller, Helms, Lugar, Hagel, Smith, Frist, Chafee, Allen, Brownback, and Enzi. The Committee ordered the bill reported, as amended, by voice vote.

III. SUMMARY OF FUNDS

[In thousands of dollars]

	FY 2001 Authorization	FY 2001 Appropriations	FY 2002 Request	FY 2002 House Bill	FY 2002 SFRC Mark	FY 2003 SFRC Mark
Diplomatic and Consular Programs	3,263,438	3,167,174	3,705,140	3,705,140	3,730,140	4,103,154
[Includes: Worldwide Security Upgrades]	[315,000]	[409,098]	[487,735]	[487,735]	[512,735]	[564,009]
Capital Investment Fund	150,000	96,787	210,000	210,000	210,000	231,000
Embassy Security Construction & Maintenance:						
Ongoing Operations	445,000	416,059	475,046	475,046	475,046	522,551
Security (Construction)	900,000	513,867	815,960	900,000	¹ 900,000	¹ 1,000,000
Educational & Cultural Exchange Programs ...	225,000	231,576	242,000	242,000	260,000	286,000
Other State Department Accounts:						
Representation Allowances	5,850	6,485	9,000	9,000	9,000	9,450
Protection of Foreign Missions and Officials ...	9,490	15,433	10,000	10,000	10,000	10,500
Emergencies in Diplomatic & Consular Services	17,000	5,465	15,500	15,500	15,500	16,275
Payment to the American Institute in Taiwan	15,918	16,309	17,044	17,044	17,044	17,896
Repatriation Loans	1,200	1,192	1,219	1,219	1,219	1,250
Office of Inspector General	30,054	28,427	29,264	29,264	29,264	30,435
International Organizations:						
Contributions for International Peacekeeping ..	such sums	844,139	844,139	844,139	844,139	844,139
Contributions to International Organizations ...	940,000	868,917	878,767	944,067	1,144,000	913,917
International Commissions:						
International Boundary & Water Commission—S&E	20,413	7,126	7,452	7,452	7,452	7,825
International Boundary & Water Commission—Construction	8,435	22,900	25,654	25,654	25,654	26,937
International Fisheries Commissions	16,702	19,349	19,780	19,780	19,780	20,769
International Boundary Commission	859	968	989	989	989	1,038
International Joint Commission	3,819	3,763	7,282	7,282	7,282	7,646
Refugees	750,000	698,460	715,000	817,000	715,000	750,750
Related Appropriations:						
The Asia Foundation	15,000	9,230	9,250	15,000	15,000	15,000
N.E.D.	32,000	30,931	31,000	36,000	36,000	40,000
East-West Center	12,500	13,470	13,500	13,500	15,000	15,000
North-South Center	2,500	4,000	(?)
Broadcasting Board of Governors	467,229	450,431	470,000	485,134	486,706	506,706
Total	7,647,407	7,877,556	8,552,986	8,834,210	8,974,175	9,378,238

¹ \$900 million in Security Construction was authorized for both FY 2002 and FY 2003 in the FY 2000-2001 Authorization Bill.

² Funding included in Educational and Cultural Exchange Programs.

IV. SECTION-BY-SECTION ANALYSIS

Sec. 101. Administration of Foreign Affairs

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for FY 2002 and 2003.

The Committee has authorized the full amount of the President’s request in FY 2002 for the Diplomatic and Consular Programs, the Capital Investment Fund, Embassy Security Construction and Maintenance, Representation Allowances, Protection of Foreign Missions and Officials, Emergencies in the Diplomatic and Consular Service, Repatriation Loans, Payments to the American Institute in Taiwan and the Office of the Inspector General. It has provided an additional \$25 million for the Worldwide Security Upgrades in the Diplomatic and Consular Programs account. These additional funds are intended for the Diplomatic Security Bureau’s technical and perimeter security program.

The Committee supports the Department’s initiative to increase staffing by hiring to attrition and beginning a program of addressing the current shortfall of over 1,000 officers. To meet this objective, the Department will need to streamline its recruitment process, which for many years has worked at a glacially slow pace (it can take nearly two years to recruit, clear, test, and assign a new Foreign Service Officer). The Committee also supports the Department’s proposal to hire additional security officers. Since the embassy bombings in 1998, the Bureau of Diplomatic Security has hired nearly 280 new agents to meet increased security challenges. That increase may, however, be soon offset by a retirement wave. Between FY 2001 and 2006, nearly 260 agents will be eligible to retire. The Department must continue to recruit and hire new agents.

The Committee also strongly supports continued investment of resources in information technology (IT) through the Capital Investment Fund. The Committee recognizes that many of the Department’s IT systems remain well behind the times. Information is central to the function of diplomacy, and the Department must focus not only resources but senior management attention on the programs being developed and implemented by the Chief Information Officer. The Committee expects to receive regular briefings about the progress of the current initiatives, particularly the efforts to provide Internet to every desktop and to provide a common platform for the foreign affairs agencies as advocated by the Overseas Presence Advisory Panel. Assuming the common platform pilot program succeeds and a decision is made to proceed with a worldwide program, the Committee expects that the Executive Branch will devise a system which ensures that every agency participating in this platform pays its share.

For FY 2003, the Committee has provided a 10 percent nominal increase in the three largest accounts (Diplomatic and Consular Programs; Embassy Security, Construction and Maintenance ongoing operations; and the Capital Investment Fund). The Committee heard testimony from both Secretary Powell and the chairman of the Independent Task Force on State Department Reform (former Secretary of Defense Frank Carlucci) on the serious inadequacies of the Department’s physical and technological infrastructure, inad-

equacies that must be addressed not only in FY 2002, but in future years. The Committee commends Secretary Powell for securing a sizable increase in the Department's core accounts in the FY 2002 budget process, and expects that he will request another significant increase in FY 2003.

The Committee has also added \$100 million in FY 2003 to the \$900 million authorization for embassy construction provided in the FY 2000 and 2001 authorization bill. Despite increased funds for embassy construction since the embassy bombings, over 80 percent of current overseas missions do not meet security standards for setback. Numerous posts are in urgent need of replacement or renovation. The Committee commends Secretary Powell for selecting a manager of overseas buildings operations with vast experience in managing large construction programs. Ultimately, however, building new, secure embassies cannot be accomplished without adequate funding.

Sec. 102. United States educational, cultural, and public diplomacy programs

This section authorizes appropriations totaling \$260 million for FY 2002 and \$286 million for FY 2003 for Fulbright and other educational and cultural exchange programs. The FY 2002 authorization represents a 7 percent increase that is \$18 million above the administration's request of \$242 million for these programs.

In nominal terms the FY 2002 request is the same as the FY 1993 appropriated level. In the intervening years, funding for educational and cultural exchange programs dropped to a low of \$207 million in FY 2000. Although the FY 2001 appropriation of \$231 million represents a positive reversal of this downward trend, the Committee believes that funding for exchange programs should be increased to reflect the importance that exchange programs play in U.S. diplomacy at a time when the challenges in international affairs are complex and diverse. Increased funding will enable the Department of State to meet these challenges as well as the growing demands from Congress for new exchange programs.

This section authorizes appropriations of \$135 million for FY 2002 for Fulbright academic exchange programs, an increase of \$10 million over the administration's request. This increase will allow for further expansion of the Fulbright program to developing countries while maintaining existing long term relationships with partners in the developed world. Of the funds authorized for the Fulbright programs, \$5 million has been authorized in each of the FY 2002 and 2003 for the Fulbright program in Vietnam, established by Congress in 1991 and expanded in 1994 to include the establishment of a Fulbright Economics Teaching program in Vietnam.

Section 102 authorizes appropriations of \$136 million for FY 2002 for other, non-Fulbright exchange programs, an increase of \$8 million over the administration's request. Included in this authorization is funding for exchanges for Tibetans and East Timorese and the North-South Center. This section also authorizes \$1 million in each year for a new program of parliamentary development and exchanges in Montenegro. The Government of Montenegro plans to hold a referendum on independence from Yugoslavia in 2002. Regardless of the outcome of the referendum, it is important

for the members of Montenegro's parliament to have access to independent information on the theory and practice of democracy in the West in order to permit them to make informed choices. The Committee views this new program of parliamentary development and exchanges as a prudent investment to promote democracy in the Balkans.

The Committee recognizes that there are other programs worthy of consideration by the Department of State for funding through a competitive bidding process. For example, the "IFES Fellows for Democracy" program would enable activists, scholars and election officials from foreign countries to utilize resources of the International Foundation for Election Systems and its library and to participate in internships in state and local governments in the United States. Similarly, Beth Medrash Govoha of America has established a successful exchange program in the United States and Israel for students around the world to study Judaic heritage, culture, ethics, law and related democratic values and ideals.

Section 102 also authorizes appropriations for FY 2002 and 2003 for the National Endowment for Democracy (NED), the East-West Center, and the Reagan-Fascell Democracy Fellows. The Committee has increased the FY 2002 authorization of appropriations for NED because its funding has been held at a consistent level for six years following a cut in funding in 1995. The Endowment's programs to promote political parties and civic associations in nations with potential, on-going, or consolidating transitions to democracy have proven to be a cost-effective means of serving U.S. national interests. The Committee has also increased the FY 2002 authorization of appropriations for the East-West Center. In January 2002 the East-West Center will host the Tenth Annual Meeting of the Asia Pacific Parliamentary Forum (APPF) in Hawaii. This represents the first time that the United States has been asked to host this event, which brings together representatives from 27 countries annually to discuss issues of mutual concern. The increase in authorization reflects the Committee's support for this event as well as the Center's newly established Okinawa Obuchi Economic and Research Program.

Sec. 103. Contributions to international organizations

This section authorizes appropriations in FY 2002 and 2003 for contributions to international organizations (CIO) and for contributions to international peacekeeping (CIPA).

The Committee has authorized the full amount requested in FY 2002 for both the CIO and CIPA accounts. The Committee believes that the United Nations undertook a necessary study of the manner in which it conducts peacekeeping operations as detailed in the so-called "Brahimi Report" of August 2000. The report recognized the need to obtain the consent of local parties involved and the will on the part of the U.N. to distinguish between aggressor and victim. Some reforms raised in the Brahimi Report, and some others, would improve current and future peacekeeping operations. The Committee is particularly concerned that military officers detailed to the U.N. Department of Peacekeeping Operations on a gratis basis be reinstated under whatever label necessary. The efficacy of U.N. peacekeeping planning can only benefit from the detailing of

such experienced military officers, which would represent a U.S. in-kind contribution above and beyond its annual peacekeeping assessment.

The Committee has included \$266.2 million in additional funds for FY 2002 for a one-time payment to the United Nations in order to bring the U.S. payment schedule to the U.N. back in line with the U.N.'s fiscal year. Some two decades ago, the United States began paying its dues at the start of the U.S. fiscal year, which is near the end of the U.N.'s fiscal year. This lengthy delay in U.S. payment has undermined financial stability at the U.N. The Committee has also included a provision in Section 407 supporting the realignment of the U.S. payment.

The administration's request for the CIO account includes \$3 million for the Cambodia War Crimes Commission. The Government of Cambodia has been working with the United Nations to establish a special tribunal for the prosecution of war crimes in which international judges and prosecutors would participate along with Cambodian counterparts. The Cambodian National Assembly has enacted the necessary legislation, prepared in consultation with the United Nations, for the establishment of the tribunal. Upon the signing of the formal Memorandum of Understanding (MOU) between the Government of Cambodia and the United Nations, steps will be taken to set up the tribunal. The Committee believes that the MOU, which dictates the structure and procedures of the tribunal, must ensure that those responsible for genocide and other crimes of humanity against the Cambodian people are held accountable. In this context, the Committee urges the Department to use the funds requested in the CIPA account for the Cambodia War Crimes Commission to support the tribunal as agreed upon by the United Nations and the Cambodian Government in the MOU.

Paragraph (2) of subsection (a) provides specific authorization of appropriations for the U.S. contribution to the North Atlantic Treaty Organization for FY 2002 and for each fiscal year thereafter. This is in response to a condition in the Senate resolution of advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic, which was adopted by the Senate on April 30, 1998. Condition 2(C)(ii) of that resolution purports to limit the total amount of expenditures by the United States in any fiscal year on or after October 1, 1998, for payments to the common-funded budgets of NATO to the total of all such payments made by the United States in FY 1998, unless specifically authorized by law.

Subsection (c) authorizes such sums as may be necessary for each of the FY 2002 and 2003 to offset adverse fluctuations in foreign currency exchange rates.

Subsection (d) requires that the United States continue to insist that refunds be provided by the U.N. or its specialized agencies to member states whenever contributions exceed the expenditures of the regular assessed budgets of U.N. agencies.

Sec. 104. International commissions

This section authorizes appropriations for FY 2002 and 2003 under the heading "International Commissions." It authorizes

funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

Sec. 105. Migration and refugee assistance

This section authorizes appropriations for fiscal years 2002 and 2003 under the heading “Migration and Refugee Assistance” to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private volunteer agencies, governments, and bilateral assistance, as authorized by law. The full request of \$715 million is provided in FY 2002 and increased to \$750.75 million in FY 2003. In each year, \$60 million is earmarked for resettlement of refugees in Israel.

Sec. 106. Grants to the Asia Foundation

This section authorizes appropriations of \$15 million for grants to the Asia Foundation in each of FY 2002 and 2003.

SUBTITLE B—U.S. INTERNATIONAL BROADCASTING ACTIVITIES

Sec. 111. Authorization of appropriations

This section authorizes appropriations for international broadcasting activities in FY 2002 and 2003. Funds are earmarked in each year for Radio Free Asia. The Office of Cuba Broadcasting is authorized at the requested level for FY 2002.

The Committee expresses its support for efforts by the Broadcasting Board of Governors to devote significant resources under the Broadcasting Capital Improvement account to counteract the jamming of transmissions by several nations’ governments, mostly notably Radio Free Asia and the Voice of America (VOA) by the People’s Republic of China.

The Committee has provided funds for the proposed Middle East Radio Network, which seeks to expand on the currently small audience share in the region held by VOA and to influence public opinion in a critically important region about U.S. policy through a broad combination of news, editorial comment, talk and music.

That said, the Committee has not approved the full amount for the project, in part out of concern by some members that the program be initiated and funded gradually and with great care. First, the volatility of the region’s media and politics requires close monitoring of both hiring and program content. The Committee expects that the International Broadcasting Bureau will continue the current practice of having State Department regional security officers screen employees hired overseas. The management of the Network should devote significant resources to post-broadcast analysis to ensure that broadcasts promote democratic values and U.S. interests, consistent with the broadcasting standards and principles set forth in the U.S. International Broadcasting Act. Second, there are concerns about the ability of this new entity to mesh two broadcasting cultures—traditional VOA programming from its Washington head-

quarters, and a quasi-surrogate stream of broadcasts from a new center located in the region. Third, the establishment of a regional broadcast center is a new undertaking that requires close management attention. Therefore, the Committee urges that the senior official for the Network have autonomy for day-to-day operations. Finally, the Committee expects that the U.S. government will receive clear assurances from host governments that it will not interfere with broadcasts. The Committee intends to monitor this program closely, and expects to receive regular briefings about the progress of the initiative.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SUBTITLE A—DEPARTMENT OF STATE

Sec. 201. Emergency evacuation services

Under current law, the State Department has authority to use appropriated funds to evacuate private U.S. citizens (and accompanying dependents or guardians), as well as third-country nationals, when their lives are endangered by war, civil unrest, or natural disaster. This section clarifies the Department's authority to retain reimbursements for emergency evacuation services from private U.S. citizens and third-country nationals.

Sec. 202. Application of earmarks and minimum funding requirements in laws authorizing appropriations

This section amends Section 15 of the State Department Basic Authorities Act. It would require that any law purporting to negate an authorization earmark for a State Department program do so by specific reference to the provision in question.

Sec. 203. Special Agent authorities

This section makes three changes to the authorities of Diplomatic Security (DS) Agents.

First, paragraph (1) gives such agents authority to obtain and execute search and arrest warrants as well as obtain and serve subpoenas and summonses issued under the authority of the United States. Under current law, agents may exercise these authorities only for offenses involving passport and visa cases. This limitation may handicap agents, for example, who are carrying out their protective functions in a situation in which an individual wanted on a federal warrant poses a threat to the protected person. The broader authority provided in this section is similar to authority possessed by numerous law enforcement agents across the federal government.

Paragraph (2) makes a technical correction to section 37(a) of the State Department Basic Authorities Act to make clear that a Secretary of State designated by a "President-elect" is entitled to protection by Diplomatic Security agents.

Paragraph (3) gives DS agents the authority to make arrests without warrant for any federal offense committed in their presence, or for any felony cognizable under the law of the United States if the agents have reasonable grounds to believe that the person has committed or is committing such felony. Under current

law, agents may exercise this authority in limited circumstances. As with paragraph (1), this provision gives DS agents the same authority granted to numerous other federal law enforcement agents.

Sec. 204. Retention of portion of claims payments for the International Litigation Fund

This provision amends current law to permit the Department to deduct and retain a percentage of payments received by the Department from foreign governments or foreign entities as a result of the Department's pursuit of claims on behalf of U.S. citizens or others. Funds so retained would be placed into the International Litigation Fund, which was established by Congress in 1994 to provide a dependable and flexible source of funds for expenses relating to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity.

Sec. 205. Foreign Relations historical series

This provision makes two amendments to increase reporting to Congress on the implementation of Title IV of the State Department Basic Authorities Act, relating to the Foreign Relations of the United States Historical Series.

In 1991, Congress enacted Title IV out of concern for the timeliness and historical accuracy of the series, and mandated that it be a "thorough, accurate and reliable documentary record of major U.S. foreign policy decisions and significant U.S. diplomatic activity." Title IV requires, among other things, that the Secretary ensure that volumes in the series be published not more than 30 years after the events recorded. A decade after the law was enacted, the Department remains out of compliance with this provision. The Department has yet to publish 11 of the 34 volumes from the Johnson Administration, which ended in 1969. The main reason for the shortfall, says the Department, is the "time-consuming declassification process." The Department reports that its historians access to the records of intelligence agencies has been "mixed" and that the Central Intelligence Agency has "fluctuated between allowing our historians fairly wide access to its files and, more recently, imposing some restrictions on research and copying of documents." The Committee is concerned that the Department remains out of compliance with Title IV, and urges the Department and other Executive Branch agencies to devote high-level and sustained attention to improving the access to intelligence materials for the Department's historians.

Sec. 206. Expansion of eligibility for award of certain construction contracts

This section would amend eligibility limitations for award of certain contracts for construction, alteration, or repair of State Department buildings and grounds abroad. Currently, bidder qualifications are determined on the basis of nationality of ownership, evidence that the bidder has performed similar construction work in the United States, and other criteria. The amendment would modify the "similar construction work" criterion to include work

performed at a U.S. diplomatic or consular establishment abroad, thus enlarging the pool of potentially qualified bidders.

Sec. 207. Repeal of provision regarding housing for foreign agricultural attache

This provision repeals a provision limiting the authority of the State Department to sell overseas property housing agricultural attaches.

Sec. 208. International Chancery Center

This section amends section 2 of the International Center Act to establish an account in the Treasury into which advances from foreign governments and international organizations may be deposited and whose proceeds may be invested in public debt obligations. Currently, such advances are held in a public bank account.

Sec. 209. Travel to Great Lakes fisheries meetings

This section amends the Great Lakes Fisheries Act of 1956 to permit the Department to fund the travel of up to ten members of the Great Lakes Fisheries Advisory Committee to attend meetings of the Great Lakes Fisheries Commission, which promotes environmental protection and economic development among the Great Lakes states and Canada. This amendment reflects changes in the meeting structure of the Commission.

Sec. 210. Correction of Fishermen's Protective Act of 1967

This section makes a technical correction to section 7 of the Fishermen's Protective Act of 1967, which was enacted to deter foreign governments from seizing U.S. commercial fishing vessels based on claims to a fisheries jurisdiction not recognized by the United States. One of the State Department's primary responsibilities under the Act is to administer funds from which reimbursement could be sought by U.S. vessel owners. Recent amendments erroneously transferred certain responsibilities from the Secretary of the Interior to the Secretary of Commerce, rather than to the Secretary of State.

Sec. 211. State Department records of overseas deaths of U.S. nationals from non-natural causes

Every year thousands of Americans travel safely overseas. Unfortunately, however, some individuals die as a result of accidents, criminal acts or negligence. Presently, the State Department continuously alerts travelers to areas of safety concern in each country through its country-by-country Consular Information Sheet (CIS) and Travel Warnings that are accessible through the Department's website.

Section 211 is intended to provide specific information to potential travelers about deaths of American citizens overseas when those deaths result from non-natural causes. The current Consular Information Sheets tend to warn of generalized dangers, such as "Several tourists have been killed or injured in jet-ski accidents, particularly when participating in group tours." The information provided must be specific enough to alert the U.S. public to potential dangers to enable the reader to make an informed decision.

This section is not intended to require the Department to release information protected by the Privacy Act. The section requires that the information be gathered to the “maximum extent practicable.” This should be read as a rule of reason. Consular officials should gather information from reports presented directly to them, from media reports, and from other sources. They are not required, for the purposes of this section, to engage in exhaustive investigations.

Sec. 212. United States policy with respect to Jerusalem as the capital of Israel

This section contains four provisions related to the recognition of Jerusalem as Israel’s capital. It urges the President to immediately begin the process of relocating the U.S. Embassy in Israel to Jerusalem. It withholds funds for the operation of the U.S. consulate in Jerusalem unless the consulate is under the supervision of the U.S. Ambassador to Israel. It denies funds for the publication of official U.S. government documents listing capital cities unless they identify Jerusalem as the capital of Israel. Finally, it allows U.S. citizens born in Jerusalem to have Israel listed, upon request, as their place of birth on passports.

Sec. 213. Use of funds received by International Boundary and Water Commission

This provision permits the U.S. Section of the International Boundary Water Commission to receive reimbursements from the North American Development Bank and the Border Environment Cooperation Committee.

Sec. 214. Fee collections relating to intercountry adoptions and affidavits of support

This section amends Section 403 of the Intercountry Adoption Act of 2000 and Section 232 of the Foreign Relations Authorization Act, Fiscal Years 2000 and 2001. These amendments permit the expenditure of funds collected by the Department under those statutory provisions.

SUBTITLE B—EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY
AUTHORITIES

Sec. 221. Allocation of funds for administrative expenses

This section permits the Bureau of Educational and Cultural Affairs to use up to 7.5 percent of funds transferred to it from other appropriations accounts for administrative purposes. Under current law, the amount it may use for such purposes ranges from zero to five percent. These limitations are unduly restrictive.

Sec. 222. Action plan related to public diplomacy activities

This section requires the Secretary of State to submit a plan to the appropriate congressional committees for integrating public diplomacy policy into overall policy formulation and for improving coordination and communication between public diplomacy officers and others in the State Department’s regional bureaus and between public diplomacy officers and the Under Secretary of State for Public Diplomacy. At present, public diplomacy considerations

are not always adequately addressed in the formulation and implementation of policy, policy coordination is minimal, and public diplomacy officers lack direct channels of communication to the Assistant Secretaries in the regional bureaus or to the Under Secretary for Public Diplomacy (because most public diplomacy officers ultimately report to the Under Secretary for Political Affairs). The Committee believes that these are serious issues which should be addressed by the Department in a timely and effective manner through the action plan required by this section. The Committee urges the Secretary of State to explore a variety of options including co-locating those performing public diplomacy functions and other State Department personnel, both in the regional bureaus and in U.S. embassies.

Sec. 223. Advisory Committee on Cultural Diplomacy

This section establishes, on a temporary basis, an advisory committee on cultural diplomacy to assist the Undersecretary for Public Diplomacy and the Assistant Secretary for Educational and Cultural Affairs in devising initiatives to expand such programming and increase the use of public-private partnerships to fund such programming.

The Committee believes that expansion of cultural diplomacy—the presentation of creative, visual and performing arts abroad—could have significant benefits to U.S. diplomacy. Unfortunately, direct funding for such programs has declined considerably in recent years to less than \$2 million at present.

Under Section 105(f) of the Fulbright-Hays Act, the Department has authority to accept funds from the private sector for such activities. The Committee urges the Department and the Advisory Committee to explore ways of increasing private sector support for such programming. The Committee expects that members of the Advisory Committee will be appointed on a non-partisan basis, and urges the Secretary to consider candidates nominated by organizations such as the National Assembly of State Art Agencies, the Association of Performing Arts Presenters, and Americans for the Arts.

Sec. 224. Chinese language scholars program

This section authorizes the President to establish an incentive awards program for secondary and undergraduate school students to encourage study and mastery of the Chinese language by U.S. citizens. The nature of the award and the procedures for identifying and selecting award recipients are left to the determination of the President. The Committee believes this new program will encourage more Americans to study the Chinese language and that this, in turn, will deepen U.S. understanding of China and the ability of the U.S. government to advance democratic values and American interests in China and the Asia-Pacific region.

Sec. 225. Allocation of funds for “American Corners” in the Russian Federation

This section authorizes \$500,000 in both FY 2002 and 2003 for “American Corners” centers in host libraries in the Russian Federation. A number of such centers already exist. The Committee be-

believes that the inclusion of information about United States history, government, culture and values in Russian libraries and access to computers and the Internet in these centers will enhance U.S. programs of assistance and increase public awareness of Russian citizens about the United States.

Sec. 226. Conforming amendments

This section contains several technical and conforming amendments which were overlooked in recent Foreign Relations Authorization Acts.

SUBTITLE C—CONSULAR AUTHORITIES

Sec. 231. Machine readable visas

Under current law, the Department has authority to collect fees for machine readable visas. The Department may expend such fees for consular services and border security programs. This section authorizes the amount of fees it may expend in FY 2002 and 2003. Amounts collected above the authorized level are subject to reprogramming.

Sec. 232. Consular fees

This section bars the Secretary from charging a fee for notarial acts or authentication when such acts will facilitate an inter-country adoption undertaken by a U.S. citizen. The Committee believes that steps should be taken wherever possible to remove obstacles in the way of U.S. citizens seeking international adoption. One such obstacle is financial. In many countries, local officials demand multiple certified and authenticated copies of a variety of documents, leading adoptive U.S. citizen parents to approach local American diplomatic and consular posts for authentication services. Consular fees collected for authentication services can quickly add up to a major expense. The Committee believes that these fees should be waived in order to reduce the costs of adoption.

Sec. 233. Report on approval of waivers of inadmissibility to the United States

Under current law, the Department of State reports to Congress periodically about non-immigrant visa applications which are refused because the applicant is ineligible under section 212(a)(3) of the Immigration and Nationality Act, relating to security and other grounds. This section adds a requirement that the Department report twice a year on visas issued pursuant to waivers of ineligibility under Section 212(a)(3), including so-called “silent” waivers. As with the current report under Section 51(a) of the Basic Authorities Act, this report may be submitted in classified form.

Sec. 234. Denial of Entry into United States of Chinese and other nationals engaged in coerced organ or bodily tissue transplantation

This section prohibits the issuance of a U.S. visa and the entry to the United States to any person who has been directly involved with the coercive transplantation of human organs or bodily tissue unless there are substantial grounds for believing that this indi-

vidual has discontinued his or her involvement with, and support for, such practices. The visa denial must be based upon “credible and specific information.” The prohibition does not apply to a head of state, head of government, or cabinet-level minister. The provision may be waived by the Secretary of State when it is important to the national interests to do so.

The Committee is concerned about continued reports of involuntary organ harvesting in nations such as the People’s Republic of China. A recent study by the Laogai Research Foundation suggests that a number of Chinese doctors who have received specialized medical training in the United States may have been involved in the practice of harvesting organs from executed prisoners without permission from the potential donors or their families.

SUBTITLE D—MIGRATION AND REFUGEES

Sec. 241. U.S. membership in the International Organization for Migration

This section provides Congressional approval of certain amendments to the constitution of the International Organization for Migration (IOM). These amendments were adopted in 1998 by the IOM governing body, of which the United States is a member. The proposed amendments to the IOM constitution concern four issues of internal IOM governance.

Sec. 242. U.S. policy regarding involuntary return of refugees

This section reinstates a provision regarding policy on the involuntary return of refugees which has been enacted in previous years (most recently in Section 251 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001).

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SUBTITLE A—ORGANIZATIONAL MATTERS

Sec. 301. Comprehensive workforce plan

This section requires the State Department to submit to Congress a comprehensive workforce plan within 6 months of the date of enactment. It also requires that the Department develop within 1 year of the date of enactment a domestic staffing model to assist in determining workforce needs in future years. The Committee is concerned that the Department has failed to devote sufficient attention to workforce planning. In particular, the Committee is dismayed at the Department’s apparent inability to match staffing requirements to meet the policy needs of overseas posts and stateside offices. This requires dramatically improved coordination between the post mission plans, the regional bureaus policy priorities, and the Bureau of Personnel.

Sec. 302. “Rightsizing” overseas posts

This section requires the Department to establish both an internal and an interagency task force to review issues of overseas staffing presence. This follows through on numerous reports, including

that of the Overseas Presence Advisory Panel, that details the need to “right size” overseas posts—i.e., staffing the post to the mission. Reports on the progress of each of these task forces are required.

Sec. 303. Elimination of position of Deputy Secretary of State for Management and Resources

This section eliminates a provision enacted last year in an appropriations act, and without agreement of this Committee, to create the position of Deputy Secretary of State for Management and Resources. The Committee believes this second deputy position is unnecessary. Secretary Powell has made clear that Deputy Secretary Armitage is his chief operating officer, responsible for management of both policy and resources. The Committee has high confidence in Secretary Armitage’s ability to carry out this function. No official will be displaced as a result of this provision, as the position has yet to be filled.

SUBTITLE B—PERSONNEL MATTERS

Sec. 311. Thomas Jefferson Star for Foreign Service

In 1999, Congress created the “Foreign Service Star” to honor U.S. government employees killed or wounded in the line of duty overseas. This provision amends the name of the award to “Thomas Jefferson Star for Foreign Service.” The change was requested by the State Department. The award is authorized for all personnel serving at overseas missions.

Sec. 312. Presidential Rank Awards

This provision amends the Foreign Service Act of 1980 in order to restore parity between Senior Foreign Service and Senior Executive Service Presidential Awards. This parity was lost upon enactment of a provision in the FY 1999 Treasury and General Government Appropriations Act which altered the system for awards to senior executives in the civil service, but neglected to make a similar change for Senior Foreign Service Officers. The Committee believes there is no basis for this disparity in treatment of personnel in the two systems with regard to these awards.

Sec. 313. Clarification of separation for cause

This section revises section 610 of the Foreign Service Act of 1980, related to separation from the Service for cause, to make the provision more comprehensible. Several recent amendments to Section 610 have necessitated this change. This section is not intended to make substantive changes to Section 610.

Sec. 314. Family visitation travel for dependents

This section amends section 901 of the Foreign Service Act of 1980 to extend eligibility for Family Visitation Travel to family members of Foreign Service members. Currently, section 901 authorizes such travel only for members of the Service.

Sec. 315. Health education and disease prevention programs

This section amends Section 904(b) of the Foreign Service Act of 1980 in order that the Department may better allow its medical

professionals to provide counseling and educational materials to foreign national employees of U.S. missions concerning diseases to which they are exposed but that may not be attributable to the workplace. The Office of Medical Services currently provides on-the-job illness and injury services for locally engaged staff. This provision permits the Department to provide health information and counseling. This is not intended to include any activities contrary to U.S. government policy on family planning.

Sec. 316. Correction of time limit for grievance filing

This section amends section 1104(a) of the Foreign Service Act of 1980 to correct a drafting error made in the most recent Foreign Relations Authorization Act (P.L. 106–113). This is a technical correction. The literal requirement of the 1999 amendment—that a grievance involving a supervisor be filed “in no case less than two years after the occurrence giving rise to the grievance”—imposes a waiting period, contrary to the intent of Congress. This section would eliminate language imposing a two-year waiting period for the filing of certain grievances, and would provide instead that the normal two-year time limit may be extended to as long as three years in the circumstances specified.

Sec. 317. Training authorities

This section would make permanent a pilot program authorized in 1998 at the Foreign Service Institute (FSI) which permitted the FSI to provide, on a reimbursable or advance-of-funds basis, appropriate training and related services to employees of U.S. companies which do business abroad, and to family members of such employees, when such training is in the national interest. The pilot program also authorized training, on a reimbursable basis, to Members of Congress or the Judiciary and employees of the legislative and judicial branches.

The Department reports that this authority has been used minimally (131 of the 68,000 enrollments in FY 1999–2000), but that such use has been worthwhile, particularly by making U.S. business persons more aware of personal security issues overseas and the role of the U.S. embassy in crisis situations. This section requires a report every other year, so Congress can monitor the situation and ensure that such training is not interfering with the primary mission of the FSI.

Sec. 318. Unaccompanied air baggage

This section relates to unaccompanied air baggage of dependent personnel. Under current law, dependent children (of government personnel) on educational travel are allowed to ship up to 250 pounds of baggage between the United States and the employee's post. The law, however, does not cover any storage of effects. Thus, students often spend much of the summer without their baggage because it is in transit either to or from the post.

The provision would allow dependent children who attend school in the United States the option of either leaving their belongings in short-term commercial storage in the United States, if there is no additional cost, instead of shipping their baggage to post. Local storage is a common-sense alternative. In response to the same

problem, the Department of Defense obtained a similar amendment in its 1999 authorization bill.

Sec. 319. Emergency medical advance payments

In 1999, Congress provided agencies the authority to advance up to three months pay to an employee assigned or located outside of the United States on government authorization (i.e., on temporary duty), when the employee or family member must undergo certain medical treatments abroad. Such authority extended to foreign national employees and non-family member United States citizen employees hired abroad when such individuals need medical care while they are located outside their country of employment on U.S. Government authorization.

Congress unintentionally excluded certain categories of employees, including persons hired pursuant to personal service agreements or contracts or foreign nationals employed by non-Foreign Affairs agencies appointed under authority of title 5, United States Code. The proposed amendment would correct this omission.

Sec. 320. Retirement credit for certain government service preformed abroad

Because of changes made in 1986 to federal retirement law, individuals who worked for the Department of State in U.S. missions abroad under part-time, intermittent or temporary ("PIT") appointments after January 1, 1989, were not eligible to pay into a federal retirement system for that service, or receive credit for that service, in order to improve their future retirement situations. The Department of State amended its regulations in 1998 to cover PIT appointees. The amendment created an inequity for PIT appointees who were employed between 1989 and 1998, since that employment time could not be "purchased" or credited toward any federal retirement system.

This section is intended to remedy this inequity by permitting individuals with creditable service as PIT appointees between 1989 and 1998 to receive credit and make a deposit into the Federal Employees Retirement System for all or part of that period. The Committee believes that this remedy addresses a basic inequity, however unintended, created by various changes to federal retirement law. It also recognizes the value added by PIT appointees, who are generally the dependents of Foreign Service or U.S. Armed Forces members, to official operations abroad.

Sec. 321. Computation of Foreign Service retirement annuities as if locality pay were made to overseas stationed Foreign Service members

This section addresses a retirement and pay issued identified by the State Department. At present, "locality pay"—which is provided to employees serving in the United States—is included in the calculation of Foreign Service retirement. Foreign Service officers serving overseas do not receive locality pay. Thus, as they near retirement, they have a significant financial incentive to remain in Washington. This often deprives overseas posts of the experience which more senior officers bring to U.S. diplomacy.

Under this section, an officer, while serving overseas, will have his or her annuity calculated as if he or she were actually receiving locality pay. The Department estimates that this proposal will cost \$8 million in FY 2002 and can be absorbed within the current estimate.

Sec. 322. Plan for improving recruitment of veterans into the Foreign Service

This section requires the Secretary of State to submit to the appropriate Congressional committees a plan to improve the recruitment of veterans to serve as candidates for the Foreign Service.

The Committee believes that the United States armed forces provide a largely untapped recruitment pool of qualified individuals with international experience as well as writing, reporting and analytical skills. The Department recently provided data to the Committee indicating that only a very small percentage of commissioned Foreign Service officers have ever served in the U.S. armed forces. The Committee expects the Department to produce an action plan that will improve the effort to recruit among personnel who are departing the armed services. The Committee believes that these efforts will pay dividends in the quality of candidates for appointment as commissioned officers in the Foreign Service, and eventually, in improving coordination between U.S. civilian and uniformed services overseas.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Payment of second installment of arrearages

This section will result in the release of \$582 million in U.S. arrearages to the United Nations. The provision amends a condition on U.S. peacekeeping assessments set forth in the United Nations Reform Act of 1999 (the “Helms-Biden” legislation) to bring the rate in line with the one negotiated in December 2000 by then-US Ambassador to the U.N., Richard Holbrooke. This provision passed the Senate in February 2001 as S. 248 on a 99–0 vote.

Sec. 402. Payment of third installment of arrearages

This section clarifies and makes minor changes to provisions in the United Nations Reform Act of 1999 related to the third payment of arrearages. It also “de-links” all agencies awaiting payment of arrearages. Thus, arrears for non-UN related agencies will be released upon passage of this legislation, and any one U.N.-affiliated agency will not have to wait for the certification of reforms by other agencies in order to receive its arrearage funding.

Sec. 403. Transmittal of certifications to Congress

The section eliminates the 30-day notification period previously required for the release of Year Two payment of arrearages in the United Nations Reform Act of 1999 and reduces to 15 days the notification needed for the release of the Year Three arrears payment authorized by that Act. The elimination of the advance notification for Year Two will expedite the obligation of the funding. The original intent of the waiting period was to give Congress time to examine the certifications that the conditions had been met. There has

been ample time to examine compliance with the Year Two conditions.

Sec. 404. Reports to Congress on contributions to the United Nations

This provision consolidates within section 4 of the United Nations Participation Act two overlapping reporting requirements on contributions to international organizations. Specifically, section 2 of Public Law 81-806 (1950) provides in relevant part: “All financial contributions by the United States to international organizations in which the United States participates as a member shall be made by or with the consent of the Department of State regardless of the appropriation from which any such contribution is made. The Secretary of State shall report annually to the Congress on the extent and disposition of such contributions.” Section 409(d) of the Foreign Relations Authorization Act, FY 1994 and 1995 (P.L. 103-236), requires that not later than February 1 of each year, the President shall submit to the Congress a report concerning the amount of U.S. assessed contributions paid to the U.N. and its specialized agencies during the preceding calendar year. These reports are duplicative. This section will create one comprehensive report that provides the same amount of information.

Sec. 405. Limitation on the United States share of assessments for U.N. peacekeeping operations in calendar years 2001-2003

This section recognizes that failure to lift the 25 percent cap on U.S. payments to the U.N.’s peacekeeping budget (set forth in Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995) will generate new arrears in excess of \$70 million this year alone and seeks to address the matter by establishing a sliding scale of caps in light of the reductions negotiated in 2000 by then-Ambassador Holbrooke. Each calendar year from 2001-2003, the U.S. assessment rate for peacekeeping will decline, reflecting the downward trend negotiated by Holbrooke. The 25 percent cap remains in place for calendar year 2004 and thereafter.

Sec. 406. Limitation on the U.S. share of assessments for U.N. regular budget

This provision codifies the U.S. assessment rate for the U.N.’s regular budget—as negotiated by then-U.N. Ambassador Holbrooke in December 2000—to 22 percent. This is consistent with a condition enacted in the United Nations Reform Act of 1999.

Sec. 407. Sense of Congress relating to the payment of the U.S. portions of the regular budget of the U.N.

This section recognizes that the U.N. and its affiliated agencies are very close to completing the reforms established in the United Nations Reform Act of 1999. Assuming completion of the reforms by December 2001, the Committee urges the Administration to begin again the practice of paying the U.S. portion of the regular budget of the United Nations in January 2002 (the beginning of the U.N.’s fiscal calendar) and every January thereafter—rather than the current practice of paying in October at the beginning of the U.S. fiscal year. This re-synchronization of payments will dramati-

cally improve the U.N.'s ability to manage better its finances and will encourage other nations to pay their regular budget dues on time as well.

The Committee also notes that there are other U.N.-related agencies to which the United States also defers annual payments until the beginning of the U.S. fiscal year; these include the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the International Labor Organization (ILO), and the International Atomic Energy Agency (IAEA). The Committee urges the Administration to consider for calendar year 2003—upon completion of the reforms outlined in the Helms-Biden legislation—the reversal of the current policy of paying U.S. dues to international organizations at the beginning of the U.S. fiscal year and revert to paying our dues within the first month of the fiscal years of those organizations.

Sec. 408. Zero growth U.N. budget

This section mandates that the United States withhold, on a prorated basis, its portion of the 2002–2003 biennium budget that exceeds zero real growth unless the Secretary of State certifies that the U.N.'s biennium budget has achieved zero real growth (i.e., after accounting for inflation), from the 2000–2001 to 2002–2003 regular budgets and that the U.N. has stayed within its own budget for calendar year 2002. While the Committee recognizes and applauds the U.N.'s diligent efforts these past six years in maintaining fiscal discipline, such discipline remains a key concern of Congress.

Sec. 409. Membership on Commission on Human Rights and International Narcotics Control Board

This section requires that the United States use its voice and vote to make every reasonable effort to secure a seat for the United States on the U.N. Commission on Human Rights and the U.N.'s International Narcotics Control Board. The loss of U.S. membership on these bodies is a source of deep concern to the Committee because it reduces U.S. ability to influence policy in these two key areas of international relations. It is incumbent upon the Secretary of State to use U.S. leverage to regain membership to these two important U.N. bodies. The provision also calls on the Secretary to seek to prevent states with governments that engage in significant human rights violations from obtaining membership on the Commission. The Committee finds it absurd and highly counterproductive that autocratic governments with poor human rights records are given seats on a body the purpose of which is to promote human rights.

Sec. 410. Action plan for enhanced Department of State efforts to place U.S. nationals in positions of employment in the United Nations and its specialized agencies

This section requires the Secretary of State to submit a report to the appropriate Congressional committees containing an action plan for enhancing the State Department's efforts to place U.S. nationals at the United Nations and in its specialized agencies.

A recent General Accounting Office (GAO) report noted a general decline in the resources and number of positions in the Department's Office of United Nations System Administration in the Bureau of International Organizations Affairs that are dedicated to the placement of U.S. nationals at the United Nations and its specialized agencies. According to the report, while the United States has a nearly proportionate share of representation in the more senior positions within the U.N. and its specialized agencies, the farther down the ranks, the worse the situation of underrepresentation becomes. The Committee calls upon the Department of State to address this issue and propose possible remedies.

Among the "appropriate mechanisms" referenced in section 410(a)(3), which the Department should consider are: (1) the feasibility and cost-effectiveness of creating a "junior professional officer" (JPO) program—similar to the JPO program currently used by the Netherlands to substantial effect; and (2) steps to counteract constraints on spousal employment in nations hosting U.N. agencies, which the GAO report finds discourages U.S. nationals from accepting offers of employment in those agencies.

TITLE V—U.S. INTERNATIONAL BROADCASTING ACTIVITIES

Sec. 501. Redesignation of Broadcasting Board of Governors as the United States International Broadcasting Agency

This section redesignates the Broadcasting Board of Governors—an independent entity which oversees all U.S. non-military international broadcasting—as the U.S. International Broadcasting Agency.

Sec. 502. Special authority for surge capacity

This section provides special authorities to the President to provide assistance to international broadcasting activities in order to provide a rapid expansion in broadcasting capabilities when a foreign policy crisis arises. During the Kosovo war in 1999, an effort to expand broadcasting to the region was hampered by inflexible rules and the lack of readily available funds.

Sec. 503. Dissemination of the VOA Special English Service's programming in the United States

This section would allow VOA's Special English programming to be made available in the United States. The Voice of America is prohibited by the Smith-Mundt Act from disseminating domestically material that was originally produced for broadcast overseas.

VOA's Special English Service merits an exemption because it does not implicate the concerns the Smith-Mundt restrictions were designed to address, and because it can assist citizens and aliens living here seeking to improve their English-speaking skills. Special English was created to communicate by radio in clear and simple English with people whose native language is not English. Over the years, it has proven to be a remarkable tool in teaching English as a second language. While many overseas students benefit from Special English, this resource is not available to residents of the United States, such as new immigrants, who might also benefit from this program. VOA has received numerous requests from

teachers of English as a second language, publishers, and academic institutions for Special English materials. The Committee expects that there will be no additional cost to the government for this service.

Sec. 504. Modification of limitation on grant amounts to RFE/RL, Inc.

This section amends a current limit on grants to RFE/RL, Inc., raising it from \$75 million per year to \$85 million in each of FY 2002 and 2003.

Sec. 505. Grants for Radio Free Asia

This section amends a current limit on grants to Radio Free Asia, raising it from \$30 million to \$35 million in each of FY 2002 and 2003.

Sec. 506. Pay parity for senior executives of RFE/RL, Inc.

Under current law, RFE/RL grant funds may not be used to pay any salary or compensation in excess of the rate level IV of the Executive Schedule. The Broadcasting Board of Governors has interpreted this provision as placing a cap on the salaries of senior managers of RFE/RL at the rate of pay for Executive Level IV, exclusive of locality pay. RFE/RL senior executives are not federal employees and do not receive locality pay under the Federal Employee Pay Comparability Act of 1990 (which provides for locality adjustments in certain high-cost areas). In order to provide pay parity for these senior employees, this provision would permit up to four senior RFE/RL managers based in Washington to receive a salary benefit equivalent to the comparable Senior Executive Service salary with locality pay.

Sec. 507. Authority to contract for local broadcasting services outside the United States

This section amends current law relating to authority to enter into contracts for certain capabilities. Under current law, the Broadcasting Board of Governors may enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs. This section provides authority to enter into contracts for up to 10 years in order to acquire local broadcasting services outside the United States.

Sec. 508. Personal services contracting pilot program

This section provides the Broadcasting Board of Governors (BBG) the authority to implement a pilot program to utilize personal services contracts in the United States to employ individuals in the International Broadcasting Bureau (IBB) and the Voice of America. The Committee has capped the authority at 75 employees at any one time. The limited authority to award personal services contracts for broadcasters, producers and writers should enhance the BBG's responsiveness to crises and also better support existing broadcasts.

Sec. 509. Travel by Voice of America correspondents

This section exempts Voice of America correspondents from the security responsibilities of the Secretary of State under Section 103 of the Diplomatic Security Act and from the Chief of Mission responsibilities in Section 207 of the Foreign Service Act of 1980. Although VOA correspondents are on the federal payroll, they are unique in that they are working journalists. Accordingly, it is the view of the Committee that their independent decisions on when and where to cover the news should not be governed by other considerations. The Committee expects that the VOA Director will take appropriate steps to ensure that VOA correspondents do not take undue risks that threaten their personal security.

Sec. 510. Conforming amendments

This section makes technical and conforming amendments to the U.S. International Broadcasting Act to correct drafting errors made in previous Foreign Relations Authorization Acts.

TITLE VI—REPORTING AND RELATED REQUIREMENTS

Sec. 601. Economic policy and trade practices

This section repeals several reporting requirements, as requested by the Administration.

Subsection (a) repeals a requirement for annual Country Reports on Economic Policy and Trade Practices, which describe economic policy and trade practices of individual countries. The Committee believes this reporting requirement can be eliminated because it is redundant with other reporting requirements. With the advent of computerized databases (i.e., the National Trade Data Bank) and the Internet, a user can access information very similar to what is contained in these reports. In addition, the Office of the U.S. Trade Representative produces much of the same information in the national trade estimate reports.

Subsection (b) repeals a provision of which requires annual submission of a report on the prospects for economic and social development in 45 countries which receive economic assistance under Title II of the Foreign Assistance Act.

Subsection (c) eliminates the requirement for reporting on the number of U.S. nationals (military and civilian) visiting a foreign country quarterly as required by section 36(a)(7) of the Arms Export Control Act. The Department asserts that it does not have the resources to track, tabulate, and report all of the U.S. military and industry personnel that are in each country every month.

Subsection (d) amends the Foreign Assistance Act to eliminate a requirement that the Secretary of State provide an annual report to Congress pursuant to the International Anticorruption and Good Governance Act. This reporting requirement is largely duplicative of information already provided to Congress in the Department's annual reports to Congress relating to the OECD Convention on Corruption, the Inter-American Convention Against Corruption, and in the drug-related corruption section of the International Narcotics Control Strategy Report.

Sec. 602. Report relating to Commission on Security and Cooperation in Europe

This section rewrites and updates a current reporting requirement of the Department of State to the Commission on Security and Cooperation in Europe, a joint Executive-Congressional commission established by statute.

Sec. 603. Briefings on potential purchases of defense articles or defense services by Taiwan

This section requires the State Department, in consultation with the Defense Department, to provide detailed briefings every three months to the appropriate Congressional committees on discussions between any executive branch agency and the government of Taiwan on any potential purchase of defense articles or services by the government of Taiwan.

Section 3(b) of the Taiwan Relations Act grants Congress a role in the sale of defense items to Taiwan. It states, in part, that the "President and the Congress shall determine the nature and quantity of such defense articles and services * * *." Beginning in 1981 the executive branch established a unique annual defense sale process for Taiwan, under which Taiwan submitted its requests in annual pre-talks held usually in November and those requests were approved, disapproved or deferred at talks usually held the following April.

In recent years there have been concerns within the Congress about the effectiveness of the consultative process. As a result Congress enacted legislation last year, Section 581 of the Foreign Operations Appropriations Act (P.L. 106-429), requiring that Congress be consulted on Taiwan's requests at least 30 days prior to each annual round of defense sales talks.

At the annual defense talks on April 24, 2001, the Bush Administration announced that it was terminating the annual defense sale process and would henceforth consider Taiwan's requests on an ongoing basis. The consultative process set forth in section 581 of P.L. 106-429 has been rendered moot as a result. Section 603 establishes a new procedure to ensure that consultations between the executive branch and Congress on Taiwan's potential purchases of defense articles and services and the Congressional role as outlined in the Taiwan Relations Act are maintained.

Sec. 604. Annual Reports on U.S.-Vietnam human rights dialog meetings

This section mandates annual reports on the human rights dialog meetings between the United States and Vietnam and the extent to which the government of Vietnam has made progress on conforming its commercial and criminal codes with international standards; releasing imprisoned political and religious activists; taking steps to ease official restrictions on religious activity, to promote freedom of the media, and to address concerns about indigenous minorities; and making efforts to improve prison conditions; and working with the International Labor Organization to improve basic worker rights.

Sec. 605. Semiannual reports on expenditures made from appropriation for “Emergencies in the Diplomatic and Consular Service”

This section would alter a current requirement that the Department submit a quarterly report on expenditures from the “emergencies” account and make it semiannual.

Sec. 606. Report concerning elimination of Colombian opium

This section requires the Secretary of State, through the Assistant Secretary for International Narcotics and Law Enforcement Affairs, to provide the Congress with a report outlining a comprehensive strategy to eradicate all opium cultivation in Colombia. Most of the heroin in the U.S. market now comes from Colombia. According to U.S. law enforcement officials, eradication of poppy cultivation at its source is the most effective way to reduce heroin supplies.

Sec. 607. Report concerning the German foundation “Remembrance, Responsibility, and the Future”

This section directs the Secretary of State to report on the status of the agreement between the government of the United States and the Federal Republic of Germany concerning the Foundation that was established to distribute Holocaust Era insurance claims and payments to Holocaust survivors who were forced into labor or slave labor. This report shall be submitted to appropriate congressional committees, either in writing or orally, within 180 days after the enactment of this Act, and every 180 days thereafter.

It will report on the status of the implementation of the agreement and the distribution of approximately \$5 billion to Holocaust survivors by the Foundation. The Committee believes it is important that the money provided by the German government that is intended to reach Holocaust survivors actually reach those individuals in a timely fashion.

TITLE VII—MISCELLANEOUS PROVISIONS

SUBTITLE A—MIDDLE EAST PEACE COMMITMENTS ACT OF 2001

Sec. 701. Short title

This subtitle is the “Middle East Peace Commitments Act of 2001.”

Sec. 702. Findings

This section describes the most basic commitments made by Palestine Liberation Organization (PLO) in an exchange of letters between the late Prime Minister Yitzhak Rabin and Chairman Yasser Arafat on September 13, 1993. These commitments include resolving outstanding issues through peaceful means, renouncing terrorism and violence, and assuming responsibility over all PLO personnel.

Sec. 703. Reports

This section requires the President to make a determination and to report every six months (initially 30 days after enactment of the

legislation) on whether the PLO and/or the Palestinian Authority (PA) are abiding by their commitments as specified in Section 702.

Sec. 704. Imposition of sanctions

This section provides that, if it is determined (in the Section 703 report) that the PLO and/or the PA are not in compliance with the commitments specified in Section 702, then the President is required to impose at least one of four sanctions for a period of at least six months. The possible sanctions are: deny U.S. visas to PLO and PA officials, downgrade the status of the PLO office in Washington to an information office as existed before the Oslo accords, designate the PLO or its constituent groups as terrorist organizations, and cut off non-humanitarian U.S. assistance to the West Bank and Gaza. The President is allowed to waive the sanctions requirement upon making a determination that such a waiver is in the national security interest of the United States.

SUBTITLE B—TIBET POLICY

This subtitle lays out a comprehensive approach for American policy toward Tibet. The Committee believes that this statement of policy is warranted due to the failure of the Government of the People's Republic of China to preserve the distinct ethnic, cultural and religious identity of the Tibetan people and to enter into a dialog with the Dalai Lama or his representatives to reach a negotiated agreement on Tibet.

Sec. 711. Short title

This section entitles this subtitle as the "Tibetan Policy Act of 2001."

Sec. 712. Statement of purpose

This section states the purpose of this subtitle: to support the aspirations of the Tibetan people to safeguard their distinct identity.

Sec. 713. Tibet negotiations

This section urges the President and Secretary of State to encourage the Government of the People's Republic of China to enter into a dialogue with the Dalai Lama or his representatives and to provide an annual report to the Congress on steps taken to encourage this dialogue and the status of discussions between the Government of China and the Dalai Lama.

Sec. 714. Reporting on Tibet

This section mandates that a separate section on Tibet be included in the annual human rights report and the annual religious freedom report submitted by the Department of State to the Congress.

Sec. 715. Congressional-Executive Commission on the People's Republic of China

This section amends the U.S.-China Relations Act of 2000 (P.L. 106-286) to include a description of the status of negotiations between the Government of China and the Dalai Lama and measures taken to safeguard Tibet's distinct identity as issues to be consid-

ered by the Congressional-Executive Commission on the People's Republic of China.

Sec. 716. Economic development on the Tibetan plateau

Subsection (a) of this section states that it is the policy of the United States to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet. The Committee notes that in 1980 Chinese Party Secretary Hu Yaobang formulated the Six Point Program for Tibet, which stated that the "Tibetan people's habits, customs, history and culture must be respected," that "all ideas that ignore and weaken Tibetan culture are wrong," and that "Tibet should lay down laws, rules and regulations according to its special characteristics to protect the right of national autonomy and its special national interests." Recognizing that the Dalai Lama is not seeking independence for Tibet, that in 1979 Deng Xiaoping offered to negotiate on all issues other than independence, and that President Jiang Zemin has stated that the door to negotiations is open if the Dalai Lama accepts that Tibet is an inseparable part of China, the Committee believes that the adoption by the current Chinese government of the principles formulated by Hu Yaobang would improve the potential for meaningful negotiations with the Dalai Lama and have a positive impact on United States-China relations.

Subsection (b) mandates that the United States use its voice and vote in international financial institutions to support projects in Tibet designed in accordance with a set of principles, enumerated in subsection (d), that are designed to raise the standard of living for the Tibetan people and to make them self-sufficient.

Subsection (c) directs the Eximbank, OPIC, and TDA to support projects following these principles.

Subsection (d) enumerates the principles which are to serve as a guidelines for the projects that the international financial institutions, nongovernmental organizations and the U.S. government should support in Tibet.

Sec. 717. Release of prisoners and access to prisons

This section states that the President and Secretary of State should request the immediate release of all Tibetan political prisoners including those, like Ngawang Choephel, known to be seriously ill, and seek access for international humanitarian organizations to Tibetan prisoners.

Sec. 718. Establishment of a U.S. branch office in Lhasa, Tibet

This section directs the Secretary of State to make best efforts to establish an office in Lhasa, Tibet, to monitor developments in Tibet.

Sec. 719. Requirement for Tibetan language training

This section mandates that Tibetan language training be available to foreign service officers and to make every effort to assign a Tibetan-speaking officer to a U.S consulate in the PRC.

Sec. 720. Religious persecution in Tibet

This section mandates that the U.S. ambassador to China seek to meet with the 11th Panchen Lama and request his release by the government of China.

SUBTITLE C—EAST TIMOR TRANSITION TO INDEPENDENCE ACT OF 2001

This subtitle specifies steps to be taken by the U.S. government to facilitate the transition of East Timor to independence. The Committee believes that it is in the interests of the United States to help the people of East Timor, who voted overwhelmingly for independence from Indonesia in August 1999, to realize their aspirations for a stable, prosperous democratic nation.

Sec. 731. Short title

This section entitles this subtitle as the “East Timor Transition to Independence Act of 2001.”

Sec. 732. Bilateral assistance

This section authorizes \$25 million in each of the FY 2002 and 2003 for programs to be carried out by the Agency for International Development in East Timor.

Sec. 733. Multilateral assistance

This section mandates that the United States use its voice, vote and influence at each of the international financial institutions of which it is a member to support economic and democratic development in East Timor.

Sec. 734. Trade and investment assistance

Subsection (a) of this section directs the President of the Overseas Private Investment Corporation (OPIC) to send a risk assessment team to East Timor to determine if East Timor meets the OPIC requirements after independence.

Subsection (b) directs the Director of the Trade and Development Agency to send an assessment team to East Timor to conduct a feasibility study to determine how U.S. investment can assist East Timor’s development after independence.

Subsection (c) encourages the U.S. Export-Import Bank to take steps to undertake activities with respect to East Timor.

Sec. 735. Generalized System of Preferences

This section urges the U.S. Trade Representative and the Customs Commissioner to send an assessment team to East Timor to determine what products from East Timor would be eligible for benefits under the Generalized System of Preferences after independence.

Sec. 736. Peace Corps activities

This section urges the Director of the Peace Corps to send an assessment team to East Timor to assess the possibility of establishing a formal Peace Corps presence in East Timor after independence.

Sec. 737. Security assistance for East Timor

Subsection (a) of this section requires the President to conduct a study and report to the appropriate Congressional committees on the extent to which East Timor's security needs can be met through provision of excess defense articles and on the extent to which international military education and training (IMET) assistance will enhance the professionalism of the armed forces of East Timor.

Subsection (b) authorizes the provision of excess defense articles and IMET pending a certification that East Timor has established independent armed forces and that assisting those forces will promote U.S. national interests and human rights and professionalization of the armed services in East Timor.

Sec. 738. Authorization of U.S. diplomatic mission to East Timor

Subsection (a) of this section authorizes the establishment of a U.S. diplomatic mission to East Timor.

Subsection (b) mandates that the head of the U.S. mission in East Timor be a chief of mission with no other diplomatic responsibilities in Indonesia or elsewhere.

The Committee does not believe that the security situation on the ground in East Timor poses an unacceptable risk to official American personnel or an obstacle to the establishment of an American embassy in East Timor. In fact, the Committee strongly believes that U.S. interests in helping the people of East Timor to establish a new democracy can be promoted most effectively through the establishment of a U.S. embassy in East Timor and the presence of an American ambassador whose sole responsibilities pertain to the bilateral relationship between the United States and East Timor.

Sec. 739. Reporting requirement

This section requires the Secretary of State to transmit a report within 90 days of enactment and annually thereafter on various developments with respect to East Timor including the specific steps taken by U.S. agencies to assist East Timor.

SUBTITLE D—REFORM OF CERTIFICATION PROCEDURES APPLICABLE TO
CERTAIN DRUG PRODUCING OR TRAFFICKING COUNTRIES

Sec. 741. Findings

This section sets forth findings concerning the nature of the threat posed by illicit drug trafficking, including the economic and social cost of such activities.

Sec. 742. Modification of procedures relating to assistance to for major drug-transit and major illicit drug producing countries

Subsection (a) amends Chapter 8 of part I of the Foreign Assistance Act of 1961 to add a new section Section 490A. This subsection changes the annual drug certification procedures beginning October 1, 2001 through 2003. Section 490A(a) provides for the submission of a report to Congress on October 1 of each of the applicable years setting forth the names of countries determined each year to be major drug-transit or major illicit drug producers. Sub-

section (b) of Section 490A section requires the President to include in the so-called “Majors Report” a determination as to whether any of the countries listed pursuant to subsection (a) have failed to adhere to obligations under international counter narcotics agreements or have failed to take the counter narcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961 and give an explanation as to why the President has made such a determination with respect to such country. Subsection (c) prohibits assistance to any country identified under subsection (b) unless the President determines that the continuation of assistance is vital to the U.S. national interests, or after the initial determination at the beginning of the fiscal year, the President determines that such country is in fact adhering to its international obligations with respect to counter narcotics matters. Subsection (d) defines the terms used throughout this section.

Section 742(b)(1) suspends Section 490 of the Foreign Assistance Act with respect to the annual certification process for FY 2002–2004 during the three years in which Section 490A is in effect. Subsection (b)(2) makes it clear that the requirement that the International Narcotics Control Strategy Report be transmitted not later than March 1 of each year is not affected by Section 490A.

Sec. 743. Sense of Congress on enhanced international narcotics control

This section expresses the sense of the Congress with respect to the need for an enhanced multilateral counternarcotics strategy to improve cooperation with respect to the investigation and prosecution of drug-related crimes as well as drug education and treatment. It calls upon the United States to convene a conference of interested countries to review existing strategies and agree to a program and timetable for implementation.

Sec. 744. Inclusion of major foreign drug trafficking organizations in International Narcotics Control Strategy Report

This section amends Section 489 of the Foreign Assistance Act of 1961 to require that the annual International Narcotics Control Strategy Report include information on major drug trafficking organizations.

Sec. 745. Judicial review under Foreign Narcotics Kingpin Designation Act

This section amends Section 805 of the Foreign Narcotics Kingpin Designation Act to provide for judicial review under that Act.

SUBTITLE E—CLEAN WATER FOR THE AMERICAS PARTNERSHIP

Sec. 751. Short title

This section entitles the subtitle as the “Clean Water for the Americas Partnership Act of 2001.”

Sec. 752. Definitions

This section defines terms used in the subtitle.

Sec. 753. Establishment of program

This section authorizes the President to establish a Clean Water for the Americas Partnership.

Sec. 754. Environmental assessment

This section authorizes the President to conduct a comprehensive environmental assessment in the region to determine the most severe environmental problems threatening human health, which countries have them, and whether there is a market for the U.S. environmental industry in the region.

Sec. 755. Establishment of American technology centers

This section authorizes the President to establish Technology America Centers (TEAMs) in the region to link the U.S. environmental technology industry with local partners by providing logistic and information support to U.S. firms seeking opportunities for environmental projects.

Sec. 756. Promotion of water quality, water treatment systems, and energy efficiency

This section authorizes the President to provide matching grants to U.S. associations and nonprofits for the purpose of promoting water quality, water treatment and energy efficiency in the region. These grants shall be used to support professional exchanges, academic fellowships, training programs, development of local chapters of associations or nonprofits, and online exchanges.

Sec. 757. Grants for feasibility studies within a designated sub-region

This section authorizes 80/20 matching grants, through the Trade and Development Agency, for “prefeasibility studies” for water projects within a subregion or an individual country of the Latin America/Caribbean region. These grants would provide potential investors in environmental projects, primarily water projects such as water treatment plants, a “jump-start” in getting these projects off the ground.

Sec. 758. Clean Water Technical Support Committee

This section authorizes the President to establish a Clean Water Technical Support Committee to provide technical support for water projects in the region.

Sec. 759. Authorization of appropriations

This section authorizes appropriations of \$10 million for each of the next three fiscal years beginning with FY 2002.

Sec. 760. Report

This section mandates a report to the appropriate Congressional committees within two years of enactment containing an assessment of the progress made in this program and any recommendations for legislative changes.

Sec. 761. Termination date

This section terminates the authorities provided by this title in three years after the establishment of the program, unless the President certifies that it would be in the national interest to maintain the program for an additional two year period.

Sec. 762. Effective date

This section sets the effective date of this subtitle as 90 days after the date of enactment.

SUBTITLE F—OTHER MATTERS

Sec. 771. Amendments to the International Religious Freedom Act of 1998

This section makes revisions to the International Religious Freedom Act of 1998 related to the Commission on International Religious Freedom created by the Act. The provision extends the sunset for the Commission from May 14, 2003 to September 30, 2005. It authorizes \$3 million in appropriations for the Commission for each of FY 2002 through 2005. It alters the date of the Commission Chair's election to permit him or her to remain in place through the date the Commission's annual report must be released. Finally, it establishes that a Commissioner selected to fill a vacancy is appointed only for the period remaining in the term of a Commissioner creating a vacancy.

Subsection (e) amends the reporting requirement in the International Religious Freedom Act of 1998 to include information on the use of sect filters as a violation of religious freedom. The Department of State defines "sect filters" as required declarations that a person or company is not affiliated with a particular religious group. State Department and U. S. Trade Representative (USTR) officials have discussed with European officials the concerns of the United States about the violation of individual rights posed by sect filters.

At all levels of government in several European countries, there are procurement laws and practices in place which effectively forbid American businesses from being able to participate in any governmental procurement of goods and services due to their employee's religious affiliation. These laws and practices are in violation of obligations assumed by these countries under the World Trade Organization (WTO) Agreement on Government Procurement. For example, Microsoft faced a governmental ban of its Windows 2000 software in Germany because a component of the software was supplied by an American company, Executive Software, whose CEO is a Scientologist.

In view of such laws and practices, the Committee is requiring the Department of State to provide information on the use of sect filters in its annual report on religious freedom.

Sec. 772. Extension of authority for Caucus on International Narcotics Control

This section extends the authorization of the Senate Caucus on International Narcotics Control for three additional years.

Sec. 773. Human Rights and Democracy Fund

This section establishes a Human Rights and Democracy Fund to be administered by the Assistant Secretary of State for Democracy, Human Rights, and Labor; outlines the purposes for which it is to be used; and authorizes appropriations for the fund for each of the FY 2002 and 2003. The Committee notes that this fund was originally created administratively by former Assistant Secretary of State for Human Rights John Shattuck to respond to unanticipated human rights emergencies and sudden democratization opportunities. Section 773 gives the Fund a statutory basis.

Subsection (c) authorizes appropriations of \$20 million for each of FY 2002 and 2003 for the Fund. This represents an increase of \$7 million over the administration's FY 2002 request for the Fund. The Committee has substantially increased the authorization level of the Fund because in previous years the resources of the Fund were quickly exhausted by the demand.

Of the \$20 million authorized for the Fund, \$1 million is authorized in each of FY 2002 and 2003 for the Documentation Center of Cambodia, in order to continue its efforts to collect, catalogue and disseminate information about Khmer Rouge atrocities against the Cambodian people. In addition, \$500,000 has been authorized for each of the two fiscal years for a new fund to advance the work of the late Father John Kaiser, a Catholic missionary who worked relentlessly for over thirty years in Kenya, in the areas of human rights, social justice, ethnic conflict resolution, and government accountability. It is the intent of the Committee to work with the Assistant Secretary of State for Democracy, Human Rights, and Labor on the appropriate mission, guidelines and funding levels for the Father Kaiser memorial fund to ensure that it advances overall U.S. efforts to promote democracy and human rights. It is not the intent of the Committee to limit the use of the funds to activities or programs in Kenya but rather to allow them to be used as needed worldwide.

The Committee recognizes that there are other projects and programs which make significant contributions to the promotion and protection of human rights and democracy. For example, Women's Campaign International is providing political training to women in developing nations around the world. The Center for Civic Education has recently initiated a program to translate and publish in China books and materials about American institutions, governance and rule of law. The Committee urges the Assistant Secretary to consider providing assistance to these programs in areas where they support the work of the Bureau.

Sec. 774. Reports on actions taken by the United States to encourage respect for human rights

This section requires the Department of State to include information in the annual country reports on Human Rights on the steps the United States has taken or will take to encourage an end to the use of extrajudicial killings, torture or other serious human rights violations in countries that engage in such practices.

Sec. 775. Program to improve building construction and practices in Latin American countries

This section authorizes the President to carry out a program to improve building codes and practices in Latin America by translating American building and life safety codes into Spanish, and training architects and contractors in Latin American countries such as El Salvador and Ecuador in the proper use of the codes in order to limit the economic and human costs of future natural disasters in the region.

The Committee notes that representatives of the code community familiar with the needs of Latin America have determined that a code related to the construction of buildings should be translated as soon as possible. An appropriate fire code should be translated shortly thereafter. In addition, the training portion of this program should be implemented as soon as appropriate translations are available. The International Code Council has played an invaluable role in bringing this issue to the Committee's attention.

While El Salvador and Ecuador are initial candidates for the training portion of this program, it can be extended to other Latin American countries at a fairly low cost, requiring only continued funding for the training. American volunteer organizations such as the International Executive Service Corps can make invaluable contributions to this program in the long-run, and the Committee urges the State Department to explore the possibility of working with this and other groups.

Sec. 776. Support for accountability of persons responsible for committing war crimes and other human rights abuses in Sierra Leone

This section authorizes appropriations of \$5 million in each of FY 2002 and 2003 for assistance to the Special Court for Sierra Leone to try individuals most responsible for war crimes in Sierra Leone.

The Committee recognizes that efforts to hold accountable those responsible for human rights abuses in Sierra Leone are critical to West Africa's prospects for lasting peace and stability and strongly supports voluntary contributions to the Special Court for Sierra Leone at the authorized funding levels.

Sec. 777. Transfer of proscribed weapons to persons or entities in the West Bank and Gaza

This section requires that the President, upon receiving evidence that proscribed weapons have been transferred knowingly by a person or entity to Palestinian entities in the West Bank or Gaza, weigh that evidence. If a preponderance of the evidence indicates such a transfer took place with the knowledge of the person or entity making the transfer, the President shall so determine and notify the appropriate congressional Committees. That person or entity will be subject to a ban on assistance under Part II of the Foreign Assistance Act of 1961 and sales of defense articles or defense services under Section 23 of the Arms Export Control Act. Those sanctions date from the notification to Congress for a period of two years.

Finally, the President is required to report to the appropriate congressional Committees on transfers reviewed pursuant to this

section. That report shall be submitted in conjunction with the report required under Title VIII of P.L. 101–246 (the PLO Commitments Compliance Act).

The Committee is concerned that notwithstanding agreements to limit the numbers and types of weapons flowing to areas under the control of the Palestinian Authority, there is significant traffic in proscribed weapons to Palestinian entities. The types and numbers of weapons authorized to be held by Palestinian security forces are clearly defined in the Agreement on the Gaza Strip and the Jericho Area of May 4, 1994, its annexes, and subsequent agreements between Israel and the PLO, and are defined as such in this section.

Sec. 778. Sense of Congress relating to global warming

This section expresses the sense of Congress regarding global climate change negotiations.

Sec. 779. Sense of Congress relating to environmental contamination and other adverse health effects in the Philippines emanating from former U.S. military facilities

This section expresses the sense of Congress that the U.S. government should identify and share with the Government of the Philippines all relevant data about the environmental and health effects from contamination in and around former U.S. military facilities in the Philippines. It also expresses the belief that the U.S. Government should work closely with non-governmental organizations in studying the environmental and health effects emanating from the former U.S. military facilities in the Philippines.

Sec. 780. Sense of Congress on Bolivia

This section expresses the sense of Congress with respect to Bolivia's successful program to eradicate coca production. It also states that United States assistance to Bolivia in FY 2002 should not be less than the levels provided Bolivia in FY 2001, in recognition of the economic sacrifices involved in Bolivia's drug eradication program.

Sec. 781. Sense of Congress on return of portraits of Holocaust victims to the artist Dina Babbitt

This section expresses the sense of the Congress that the President and Secretary of State should make all efforts necessary to retrieve the original seven watercolor portraits painted by Dina Babbitt that are held by the Auschwitz-Birkenau State Museum. It further urges the Government of Poland and officials of the Auschwitz-Birkenau Museum to return the portraits as expeditiously as possible.

Dina Babbitt suffered a 1½-year-long internment at the Auschwitz concentration camp during World War II and was ordered by Dr. Joseph Mengele to paint watercolor portraits of doomed inmates. The Committee views Dina Babbitt as the rightful owner of the seven watercolor portraits and believes that cooperative efforts between agencies of the United States and Poland can help facilitate the return of the artwork to Dina Babbitt.

V. COST ESTIMATE

In accordance with rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the Committee provides the following estimate of the cost of this legislation prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 21, 2001.

Hon. JOSEPH R. BIDEN, JR., *Chairman,*
U.S. Senate,
Committee on Foreign Relations,
Washington, DC.

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*Foreign Relations Authorization Act, Fiscal Years 2002 and 2003**Summary*

The bill would authorize appropriations for the Department of State and related agencies for 2002 and 2003. CBO estimates that appropriation of the authorized amounts would result in additional discretionary spending of \$17.3 billion over the 2002-2006 period.

CBO estimates that enacting the legislation would increase direct spending by \$835 million in 2002 and by \$893 million over the 2002-2006 period, and also would increase revenues by \$5 million over the same period. Because the bill would affect direct spending and receipts, pay-as-you-go procedures would apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

Estimated Cost to the Federal Government

The estimated budgetary impact of the bill is shown in the following table. The costs of this legislation fall within budget functions 150 (international affairs), 300 (natural resources and environment), 600 (income security), and 800 (general government).

	By Fiscal Year, in Millions of Dollars					
	2001	2002	2003	2004	2005	2006
Spending Subject to Appropriation						
Spending Under Current Law:						
Budget Authority ¹	6,974	0	0	0	0	0
Estimated Outlays	6,686	1,472	677	282	73	2
Proposed Changes:						
Estimated Authorization Level	0	8,653	9,107	16	6	3
Estimated Outlays	0	6,612	7,978	1,716	755	288
Spending Under the Bill:						
Estimated Authorization Level ¹	6,974	8,653	9,107	16	6	3
Estimated Outlays	6,686	8,084	8,655	1,998	827	290
Changes in Direct Spending						
Estimated Budget Authority	0	9	14	14	15	15
Estimated Outlays	0	835	14	14	15	15
Changes in Revenues						
Estimated Revenues	01	1	1	1	1	1

¹ The 2001 level is the amount appropriated for that year for the various foreign relations programs authorized by the bill.

Basis of Estimates

Most of the bill's budgetary impact would stem from authorizations for current programs administered by the Department of State and related agencies. In addition, some of the bill's provisions would affect direct spending and revenues.

Spending Subject to Appropriation.—This estimate assumes the legislation will be enacted by October 1, 2001. CBO also assumes that the authorized amounts will be appropriated by the start of each fiscal year and that outlays will follow historical spending patterns for the affected programs.

CBO estimates that implementing the bill would cost \$17.3 billion over the 2002-2006 period, assuming appropriation of the authorized amounts. The bill would authorize appropriations for programs administered by the Department of State and related agencies. In 2001, these programs received appropriations of almost \$7 billion and the bill would reauthorize them at higher levels—\$8.6 billion for FY 2002 and \$9.1 billion for 2003. The programs authorized by the bill include administration of foreign affairs, educational and cultural exchanges, international broadcasting, migration and refugee assistance, and contributions to international organizations and peacekeeping. In addition, the bill contains other provisions with potential discretionary costs, as described below.

Title VII.—Title VII would address specific regional issues or authorize appropriations for new assistance programs.

East Timor. Sections 731 through 739, the East Timor Transition to Independence Act of 2001, would authorize the appropriation of \$25 million for development assistance to East Timor in 2002 and 2003. It also would authorize assistance from other U.S. agencies which CBO estimates would cost less than \$500,000 a year, assuming the availability of appropriated funds.

Clean Water. The Clean Water for the Americas Partnership Act of 2001 (sections 751 through 762 of this bill) would authorize the

appropriation of \$10 million a year in 2002, 2003, and 2004 for a new program to promote the export of U.S. goods and technology to address environmental problems in Latin America, especially water quality and energy efficiency. The bill would authorize the Foreign Commercial Service of the Department of Commerce to open technology centers throughout Latin America to link environmental technology firms in the United States with local organizations in Latin America and would authorize the Trade and Development Agency to provide grants for pre-feasibility studies for water projects. CBO assumes the authorized amounts would be split between the two agencies.

Middle East. The Middle East Peace Commitments Act of 2001 (sections 701 through 704 of this bill) would require the President to report on whether the Palestinian Authority and Palestinian Liberation Organization are complying with their commitments to peace with Israel and to impose a set of sanctions against those two organizations, or their constituent parts, if he finds they have not. Because the listed sanctions may be waived by the President and would exempt humanitarian assistance, CBO estimates the provisions would have no significant budgetary effects.

Tibet. Subtitle B of title VII, the Tibetan Policy Act of 2001, would set policy guidelines for United States' efforts to preserve the distinct identity of the Tibetan people and would require the President to report on those efforts. Because subtitle B would not expand existing authorities, CBO estimates implementing it would have no significant costs.

Reform of Certification Procedures Applicable to Certain Drug Producing or Trafficking Countries. Section 742 would modify, for a three-year period, procedures for providing bilateral assistance to countries that are known to be heavily involved in narcotics trafficking and that have not taken significant steps to curb such trafficking as outlined in international agreements. Nations identified under those requirements would be ineligible for aid from the United States unless the President determines that the aid is vital to the national interests of the United States or the country is making substantial efforts to adhere to its international agreements. The new procedures would replace the current practice of delaying obligations and conducting a Congressional review of Presidential determinations before funds are released. CBO estimates that this provision would result in no significant budgetary effect because the provision would not alter the amount of bilateral assistance provided to affected countries.

Other Provisions. In addition, title VII includes several other provisions that would affect spending subject to appropriation.

- Section 771 would extend the authority of the International Religious Freedom Act through 2005 and authorize appropriations of \$3 million each year in 2002 through 2005 for the expenses of the commission created by that act.
- Section 772 would extend the authority of the United States Senate Caucus on International Narcotics Control from 2002 through 2005 and would authorize appropriations of \$370,000 each year for that purpose.

- Section 773 would authorize appropriations of \$20 million a year in 2002 and 2003 for a Human Rights and Democracy Fund.
- Section 775 would authorize assistance to improve building construction practices in Latin America but does not specify the amount of money allocated for this activity. Based on information from the U.S. Agency for International Development (USAID), CBO estimates that the program would be implemented through grants from the USAID with a funding level of \$2 million each year.

Retirement Provision.—Two sections of the bill would affect retirement benefits for certain federal workers. Section 320 would provide federal retirement credit to individuals who served abroad between December 31, 1988, and May 24, 1998, in temporary assignments where credit was not originally awarded under the Foreign Service retirement system or the retirement system for other federal workers. This provision would allow these employees to have any such service credited to the Federal Employee Retirement System (FERS). Workers who choose to have this service credited to FERS must make a payment into the Civil Service Retirement and Disability Fund (CSRDF) equal to the amount the worker would have paid into the fund (plus interest) as if the service had originally been credited under FERS. The employing agency would also be required to make a similar payment. According to the State Department, about 300 individuals would take service credits under this provision. CBO estimates that under section 320, federal agencies would have to make payments totaling \$2 million into the CSRDF in 2002, with only negligible payments in subsequent years.

Section 321 would change the computation of retirement benefits for members of the Foreign Service who have served in overseas stations. For the purposes of calculating retirement benefits, salary and wages for service served overseas would be treated as if the worker's salary and wages were subject to locality-based pay adjustments for Washington, DC during that time. In addition, the percentage of pay that both employees and the agency make into the Foreign Service Retirement and Disability Fund (FSRDF) would be increased. CBO estimates that agency payments into the FSRDF would increase by \$2 million in 2002 and by \$24 million over the 2002-2011 period.

Payments made by agencies into the CSRDF and the FSRDF come from appropriated funds. The bill's retirement provisions would also affect revenues and direct spending (as described later).

Reporting Requirements.—The bill includes several provisions that would expand or introduce new reporting requirements. Combined, these provisions would raise spending subject to appropriation by about \$1 million annually.

Indefinite Authorizations.—Section 103(c) would authorize such sums as may be necessary in 2002 and 2003 to compensate for adverse fluctuations in exchange rates that might affect contributions to international organizations. Any funds appropriated for this purpose would be obligated and expended subject to certification by the Office of Management and Budget. Currency fluctuations are extremely difficult to estimate in advance, and they could result in

spending either higher or lower than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, this estimate includes no additional costs associated with currency fluctuations.

Section 223 would establish an advisory committee on cultural diplomacy and authorize such sums as may be necessary for its operation. CBO estimates this provision would cost less than \$500,000 a year over the 2002-2005 period.

Section 502 would authorize such sums as may be necessary for additional international broadcasting activities during crises abroad. The provision would restrict such amounts to a maximum of \$10 million. CBO has no basis for estimating the need for such emergency broadcasting services; therefore, this estimate includes no costs for the provision.

Direct Spending and Revenues

CBO estimates that the bill would increase direct spending by \$835 million in 2002 and \$893 million over the 2002-2006 period.

Payment of United Nations Arrears.—Sections 401 and 402 would amend current law to permit the release of arrearage payments to the United Nations. CBO estimates that under the bill, the State Department would release \$826 million in 2002 that cannot be released under current law. (This estimate assumes that the bill is enacted near the start of FY 2002. If the bill were enacted by mid-September, CBO estimates that \$582 million would be released in FY 2001 and that the remaining \$244 million would be released in 2002.)

In 1999, Public Law 105–277 appropriated \$475 million for arrearage payments. An additional \$351 million was provided in 2000 in Public Law 106–113. Under current law, however, those funds cannot be disbursed until certain conditions have been met. One of those conditions—which has not been met and cannot be waived—is that the United Nations lower the United States’ assessment rate for peacekeeping activities from 31 percent to 25 percent. The bill would drop this requirement and also would ease other conditions attached to the funds appropriated in 2000. These changes would permit disbursement of the \$826 million that has already been appropriated. Because this provision would affect outlays from funds already appropriated and would not depend on future appropriation action, the additional outlays are considered direct spending for scorekeeping purposes.

Consular Fees.—Section 214 would amend current law pertaining to fees for international adoptions and affidavits of support (which are required documents in certain immigration cases). Under current law, the spending of these fees is subject to appropriation. By removing this restriction, the bill would raise direct spending by \$9 million in 2002 and \$14 million a year in subsequent years.

Virtual Locality Pay for Foreign Service Personnel.—Section 321 would change the computation of retirement benefits for members of the Foreign Service who have served in overseas stations. For the purposes of calculating retirement benefits, salary and wages for service provided outside the United States would be treated as

if the worker's salary and wages were subject to locality-based pay adjustments for Washington, DC during that time.

In addition, the percentage of pay that both employees and the agency make into the Foreign Service Retirement and Disability Fund would be increased. CBO estimates that about 150 new retirees each year would be affected by this provision, and payments made by employees into the fund would increase by \$1 million a year between 2002 and 2011. Those payments are recorded in the budget as revenues.

Finally, CBO projects that retirement benefits paid from the FSRDF would increase by less than \$500,000 in 2002 and by a total of \$16 million over the 2002-2011 period. Such payments from the fund constitute direct spending.

Fees for Machine-Readable Visas.—Section 231 would extend, through 2003, the Secretary of State's authority to charge a fee for machine-readable visas and to spend the collections on consular activities. Authority to collect and spend these fees through 2002 was provided in Public Law 106-553. Based on information from the Department of State, CBO estimates the department would collect and spend \$368 million in 2003 under this authority.

Miscellaneous Provisions.—Several provisions in the bill would have little or no effect on direct spending or revenues.

Reimbursements for Emergency Overseas Evacuation.—Section 201 would allow the State Department to seek reimbursements for the emergency evacuation of employees of the U.S. government, their dependents, private U.S. citizens, and foreign nationals. According to the department, this section of the bill codifies existing practice and would have no impact on the budget.

Reimbursements for International Litigation Fund.—Section 204 would allow the State Department to retain, as reimbursement for preparing or prosecuting a claim against a foreign government or entity, a portion of awards received. Based on information from the department, CBO estimates that it would collect and spend less than \$1 million a year.

International Boundary and Water Commission.—Section 213 would allow the International Boundary and Water Commission to receive and spend funds from the North American Development Bank for its ongoing activities on the land and water boundary between the United States and Mexico. The provision would thus have no net budgetary impact.

Lower Consular Fees.—Section 232 would prohibit the State Department from charging consular fees for notarial acts or authentications related to international adoptions. Based on information from the department, CBO estimates this provision would lower collections by less than \$500,000 a year.

Reimbursements for Training Services.—Section 317 would permanently extend a pilot program to provide training and related services on a reimbursable basis. CBO estimates the department would collect and spend less than \$500,000 a year.

Retirement Credit for Overseas Service.—Section 320 would provide federal retirement credit to individuals who served abroad between December 31, 1988, and May 24, 1998, in temporary assignments where credit was not originally awarded under the Foreign Service retirement system or the retirement system for other fed-

eral workers. This provision would allow these employees to have any such service credited to Federal Employee Retirement System. Workers who choose to have this service credited to FERS must make a payment into the Civil Service Retirement and Disability Fund equal to the amount the worker would have paid into the fund (plus interest) if the service had originally been credited under FERS. According to the State Department, about 300 individuals would take service credits under this provision. CBO estimates that all employee payments into the CSRDF would increase revenues by less than \$500,000 a year. The increase in mandatory benefit payments from the CSRDF to these individuals would also be less than \$500,000 a year.

Pay-as-you-go Considerations

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By Fiscal Year, in Millions of Dollars										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays	0	835	14	14	15	15	15	16	17	17	18
Changes in receipts	0	1	1	1	1	1	1	1	1	1	1

Intergovernmental and Private-Sector Impact

The bill contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

Previous CBO Estimates

On May 10, 2001, CBO prepared a cost estimate for S. 219, as ordered reported by the Senate Committee on Foreign Relations on April 5, 2001. Section 742 of the bill is similar to S. 219, and their costs are identical.

On May 4, 2001, CBO prepared a cost estimate for H.R. 1646, as ordered reported by the House Committee on International Relations on May 2, 2001. H.R. 1646 contains several provisions that are similar to those in the bill. CBO estimated that H.R. 1646 would raise spending subject to appropriation by \$16.2 billion over the 2002-2006 period and direct spending by \$726 million over the 2001-2006 period.

On February 13, 2001, CBO prepared a cost estimate for S. 248, as passed by the Senate on February 7, 2001. That act would have released arrearage payments of \$582 million in 2001. Section 401 of the bill is identical to S. 248, but CBO now estimates these funds would likely be released in 2002 instead of 2001.

Estimate prepared by: State Department, Sunita D'Monte. Development and Security Assistance, Joseph C. Whitehill. Retirement, Geoffrey Gerhardt. Impact on State, Local, and Tribal Govern-

ments, Elyse Goldman. Impact on the Private Sector, Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VI. EVALUATION OF REGULATORY IMPACT

In accordance with rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the Committee has concluded that there is no regulatory impact from this legislation.

VII. CHANGES IN EXISTING LAW

In compliance with Rule XXVI, paragraph 12 of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

The State Department Basic Authorities Act of 1956

* * * * *

TITLE I—BASIC AUTHORITIES GENERALLY

ORGANIZATION OF THE DEPARTMENT OF STATE

SECTION 1.

(a) SECRETARY OF STATE.—

(1) The Department of State shall be administered, in accordance with this Act and other provisions of law, under the supervision and direction of the Secretary of State (hereinafter referred to as the “Secretary”).

(2) The Secretary~~],~~ the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources~~]~~ *and the Deputy Secretary of State* shall be appointed by the President, by and with the advice and consent of the Senate.

* * * * *

SEC. 4.

(a) The Secretary of State is authorized to—

(1) * * *

* * * * *

(b)(1) Expenditures described under subsection (a) shall be made only for such activities as—

(A) * * *

* * * * *

(2) Activities described in paragraph (1) include—

[(A) the evacuation of United States Government employees and their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster;]

(A) the evacuation when their lives are endangered by war, civil unrest, or natural disaster of—

(i) *United States Government employees and their dependents; and*

(ii) *private United States citizens or third-country nationals, on a reimbursable basis to the extent feasible, with such reimbursements to be credited to the applicable Department of State appropriation and to remain available until expended;*

* * * * *

SEC. 15.

(a) * * *

(b) * * *

(c)(1) *Whenever a provision of law expresses an earmark or minimum funding requirement with respect to an amount or amounts authorized to be appropriated to the Department of State, the provision shall apply to appropriations made pursuant to that authority unless the provision is specifically superseded, modified, stricken, or repealed by an Act enacted after the date of enactment of the provision of law expressing the earmark or requirement.*

(2) *In this subsection, the term "earmark" means a sum that is available only for a particular purpose, country, program, project, or activity.*

* * * * *

SEC. 23.

(a) AGREEMENTS.—Whenever the head of any Federal agency performing any foreign affairs functions (including, but not limited to, the Department of State, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* and the Agency for International Development) determines that administrative services performed in common by the Department of State and one or more other such agencies may be performed more advantageously and more economically on a consolidated basis, the Secretary of State and the heads of the other agencies concerned may, subject to the approval of the Director of the Office of Management and Budget, conclude an agreement which provides for the transfer to and consolidation within the Department or within one of the other agencies concerned of so much of the functions, personnel, property, records, and funds of the Department and of the other agencies concerned as may be necessary to enable the performance of those administrative services on a consolidated basis for the benefit of all agencies concerned. Agreements for consolidation of administrative services under this section shall provide for reimbursement or advances of funds from the agency receiving the service to the agency performing the service in amounts which will approximate the expense of providing administrative services for the serviced agency.

* * * * *

SEC. 25.

(a) * * *

* * * * *

(e) * * *

(f) The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the **【Broadcasting Board of Governors】** *United States International Broadcasting Agency* and the Administrator of the Agency for International Development with respect to **【the Board and the Agency】** *their respective agencies*.

* * * * *

SEC. 26.

(a) * * *

(b) The authority available to the Secretary of State under this section shall be available to the **【Broadcasting Board of Governors】** *United States International Broadcasting Agency*, and the Administrator of the Agency for International Development with respect to **【the Board and the Agency】** *their respective agencies*.

* * * * *

SEC. 32.

The Secretary of State may pay, without regard to section 5702 of title 5, United States Code, subsistence expenses of (1) special agents of the Department of State who are on authorized protective missions, and (2) members of the Foreign Service and employees of the Department who are required to spend extraordinary amounts of time in travel status. The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the **【Broadcasting Board of Governors】** *United States International Broadcasting Agency* and the Administrator of the Agency for International Development with respect to their respective agencies, except that the authority of clause (2) shall be available with respect to those agencies only in the case of members of the Foreign Service and employees of the agency who are performing security-related functions abroad.

* * * * *

SEC. 36A. AWARD OF **【FOREIGN SERVICE STAR】 THOMAS JEFFERSON STAR FOR FOREIGN SERVICE.**

(a) **AUTHORITY TO AWARD.**—The President, upon the recommendation of the Secretary, may award a **【Foreign Service star】** *Thomas Jefferson Star for Foreign Service* to any member of the Foreign Service or any other civilian employee of the Government of the United States who, while employed at, or assigned permanently or temporarily to, an official mission overseas or while traveling abroad on official business, incurred a wound or other injury or an illness (whether or not the wound, other injury, or illness resulted in death)—

(1) * * *

(2) * * *

(3) * * *

(b) **SELECTION CRITERIA.**—The Secretary shall prescribe the procedures for identifying and considering persons eligible for award of a **【Foreign Service star】** *Thomas Jefferson Star for Foreign Service* and for selecting the persons to be recommended for the award.

(c) **AWARD IN THE EVENT OF DEATH.**—If a person selected for award of a **【Foreign Service star】** *Thomas Jefferson Star for For-*

eign Service dies before being presented the award, the award may be made and the star presented to the person's family or to the person's representative, as designated by the President.

(d) FORM OF AWARD.—The Secretary shall prescribe the design of the **Foreign Service star** *Thomas Jefferson Star for Foreign Service*. The award may not include a stipend or any other cash payment.

(e) FUNDING.—Any expenses incurred in awarding a person a **Foreign Service star** *Thomas Jefferson Star for Foreign Service* may be paid out of appropriations available at the time of the award for personnel of the department or agency of the United States Government in which the person was employed when the person incurred the wound, injury, or illness upon which the award is based.

* * * * *

SEC. 37.

(a) GENERAL AUTHORITY.—Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

(1) * * *

[(2) For the purpose of conducting such investigation—

[(A) obtain and execute search and arrest warrants,

[(B) make arrests without warrant for any offense concerning passport or visa issuance or use of the special agent has reasonable grounds to believe that the person has committed or is committing such offense, and

[(C) obtain and serve subpoenas and summonses issued under the authority of the United States;]

(2) *obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses issued under the authority of the United States;*

(3) protect and perform protective functions directly related to maintaining the security and safety of—

(A) * * *

* * * * *

(E) * * *

(F) an individual who has been designated by the President or *President-elect* to serve as Secretary of State, prior to that individual's appointment.

* * * * *

[(5) arrest without warrant any person for a violation of section 111, 112, 351, 970, or 1028 , of title 18, United States Code—

[(A) in the case of a felony violation, if the special agent has reasonable grounds to believe that such person—

[(i) has committed or is committing such violation; and

[(ii) is in or is fleeing from the immediate area of such violation; and

[(B) in the case of a felony or misdemeanor violation, if the violation is committed in the presence of the special agent.]]

(5) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

* * * * *

EXPENSES RELATING TO PARTICIPATION IN ARBITRATIONS OF CERTAIN DISPUTES

SEC. 38.

* * * * *

(d) INTERNATIONAL LITIGATION FUND.—

* * * * *

(e) RETENTION OF FUNDS.—

(1) IN GENERAL.—To reimburse the expenses of the United States Government in preparing or prosecuting a proceeding before an international tribunal, or a claim against a foreign government or other foreign entity, the Department of State shall retain 1.5 percent of any amount of \$5,000,000 or less, and one percent of any amount of more than \$5,000,000, awarded per proceeding or received per claim under chapter 34 of the Act of February 27, 1896 (22 U.S.C. 2668a; 29 Stat. 32).

(2) TREATMENT.—Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d).

* * * * *

DENIAL OF VISAS

SEC. 51.

(a) REPORT TO CONGRESS.—(1) DENIAL OF VISAS.—The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

(2) VISA ISSUANCE TO INADMISSIBLE ALIENS.—The Secretary shall, on a semiannual basis, submit to the appropriate committees of Congress a report describing every instance during the period covered by the report in which a consular post or the Visa Office of the Department of State issued an immigrant or nonimmigrant visa to an alien who is inadmissible to the United States based upon terrorist activity or failed to object to the issuance of an immigrant or nonimmigrant visa to an alien notwithstanding any such ground of inadmissibility. The report shall set forth the name and nationality of the alien, the issuing post, and a brief factual statement of the basis for issuance of the visa or the failure to object. The report may be transmitted in classified or unclassified form.

* * * * *

SEC. 404. DECLASSIFICATION OF STATE DEPARTMENT RECORDS.

(a) DEADLINE FOR DECLASSIFICATION.—

* * * * *

(d) **[REPORTING REQUIREMENT]** *ANNUAL REPORTS BY THE ADVISORY COMMITTEE.*—The Advisory Committee shall annually submit to the Secretary of State *and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives* a report setting forth its findings from the review conducted under subsection (c).

[(e) REPORT TO CONGRESS.]—Not later than 180 days after the date of the enactment of this title, the Secretary of State shall prepare and submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on factors relevant to compliance with this section, and the procedures to be used for implementing the requirements of this section.]

(e) *ANNUAL REPORTS BY THE SECRETARY OF STATE.*—Not later than March 1 of each year, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the compliance of the Department of State with the provisions of this title, including—

- (1) *the volumes published in the previous calendar year;*
- (2) *the degree to which the Department is not in compliance with the deadline set forth in section 401(c); and*
- (3) *the factors relevant to the inability of the Department to comply with the provisions of this title, including section 401(c).*

* * * * *

The Foreign Service Act of 1980

* * * * *

SEC. 202. OTHER AGENCIES UTILIZING THE FOREIGN SERVICE PERSONNEL SYSTEM.

(a)(1) The **[Broadcasting Board of Governors]** *United States International Broadcasting Agency* and the Administrator of the Agency for International Development may utilize the Foreign Service personnel system with respect to their respective agencies in accordance with this Act.

* * * * *

SEC. 207. CHIEF OF MISSION.

(a) Under the direction of the President, the chief of mission to a foreign country—

- (1) shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country (except for *Voice of America correspondents on official assignment* and employees under the command of a United States area military commander); and
- (2) shall keep fully and currently informed with respect to all activities and operations of the Government within that country, and shall insure that all Government executive branch employees in that country (except for *Voice of America correspond-*

ents on official assignment and employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

(b) Any executive branch agency having employees in a foreign country shall keep the chief of mission to that country fully and currently informed with respect to all activities and operations of its employees in that country, and shall insure that all of its employees in that country (except for *Voice of America correspondents on official assignment and employees under the command of a United States area military commander*) comply fully with all applicable directives of the chief of mission.

(c) Each chief of mission to a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.

* * * * *

SEC. 210. BOARD OF THE FOREIGN SERVICE.

The President shall establish a Board of the Foreign Service to advise the Secretary of State on matters relating to the Service, including furtherance of the objectives of maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system and compatibility between the Foreign Service personnel system and the other personnel systems of the Government. The Board of the Foreign Service shall be chaired by an individual appointed by the President and shall include one or more representatives of the Department of State, the [Broadcasting Board of Governors] *United States International Broadcasting Agency*, the Agency for International Development, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Office of Personnel Management, the Office of Management and Budget, the Equal Employment Opportunity Commission, and such other agencies as the President may designate.

* * * * *

SEC. 405. PERFORMANCE PAY.

(a) * * *

* * * * *

(b) * * *

(1) * * *

(2) * * *

(3) Not more than 6 percent of the members of the Senior Foreign Service may receive performance pay in any fiscal year in an amount which exceeds the percentage limitation specified in paragraph (2). [Payments under this paragraph to a member of the Senior Foreign Service may not exceed \$10,000 in any fiscal year, except that payments of up to \$20,000 in any fiscal year may be made under this paragraph to up to 1 percent of the members of the Senior Foreign Service.] *Payments under this paragraph to a member of the Senior Foreign Service may not exceed, in any fiscal year, the percentage of basic pay established under section 4507(e)(1) of title 5, United States Code, for a Meritorious Executive, except that payments of the percentage of the basic pay established under section 4507(e)(2) of such title for Distinguished Executives may be made in any*

fiscal year to up to 1 percent of the members of the Senior Foreign Service.

* * * * *

SEC. 610. SEPARATION FOR CAUSE.

(a)(1) The Secretary may *decide to* separate any member from the Service for such cause as will promote the efficiency of the Service.

[(2) Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member of the Service (other than a United States citizen employed under section 311 and who is not a family member) who is a member of the Senior Foreign Service or is assigned to a salary class in the Foreign Service Schedule and who either (A) is serving under a career appointment, or (B) if separation is to be by reason of misconduct, is serving under a limited appointment, shall not be separated from the Service under this section until the member has been granted a hearing before the Foreign Service Grievance Board and the cause for separation established at such hearing, unless the member waives in writing the right to a hearing or, notwithstanding section 1106(8) of this Act, unless the member has been convicted of a crime related to the cause for separation, subject to reinstatement with back pay (for any period during which separation for cause had not been established by such a hearing) if such conviction is reversed on appeal. If such cause is not established at such hearing, the Grievance Board shall have the authority to direct the Department to pay reasonable attorneys fees to the extent and in the manner provided by section 1107(b)(5) of this Act. The hearing provided under this paragraph shall be in accordance with the hearing procedures applicable to grievances under section 1106 and shall be in lieu of any other administrative procedure authorized or required by this or any other law. Section 1110 shall apply to proceedings under this paragraph.

[(3) Notwithstanding the hearing required by this section, or procedures under any other provision of law, where a member has been convicted of a crime for which a sentence of imprisonment may be imposed, and there is a nexus to the efficiency of the Service, the Secretary, or his designee, may suspend such member without pay pending final resolution of the underlying matter, subject to reinstatement with back pay if cause for separation is not established in a hearing before the Board.

[(4) Any member suspended pursuant to subsection (a)(3) of this section shall be entitled to—

[(A) advance written notice of the specific reasons for such suspension;

[(B) a reasonable time, not less than seven days, to answer orally and in writing;

[(C) be represented by an attorney or other representative; and

[(D) a final written decision.

[(5) Any member suspended pursuant to subsection (a)(3) of this section shall be entitled to grieve such action in accordance with procedures applicable to grievances under chapter 11. The Board

review, however, shall be limited only to a determination of whether the conviction requirements of subsection (a)(3) have been fulfilled, and whether there is a nexus between the conduct and the efficiency of the Service.

[(6) Notwithstanding the hearing required by paragraph (2), at the time the Secretary recommends that a member of the Service be separated for cause, that member shall be placed on leave without pay pending final resolution of the underlying matter, subject to reinstatement with back pay if cause for separation is not established in a hearing before the Board.

[(b) Any participant in the Foreign Service Retirement and Disability System who is separated under subsection (a) shall be entitled to receive a refund as provided in section 815 of the contributions made by the participant to the Foreign Service Retirement and Disability Fund. Except in cases where the Secretary determines that separation was based in whole or in part on the ground of disloyalty to the United States, a participant who has at least 5 years of service credit toward retirement under the Foreign Service Retirement and Disability System (excluding military and naval service) may elect, in lieu of such refund, to an annuity, computed under section 806, commencing at age 60.】

(2)(A) *Except as provided in subparagraph (B), whenever the Secretary decides under paragraph (1) to separate, on the basis of misconduct, any member of the Service (other than a United States citizen employed under section 311 of the Foreign Service Act of 1980 who is not a family member) who either—*

(i) is serving under a career appointment; or

(ii) is serving under a limited appointment,

the member may not be separated from the Service until the member receives a hearing before the Foreign Service Grievance Board and the Board decides that cause for separation has been established, unless the member waives, in writing, the right to such a hearing, or the member's appointment has expired, whichever is sooner.

(B) The right to a hearing in subparagraph (A) does not apply in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than one year may be imposed.

(3) If the Board decides that cause for separation has not been established, the Board may direct the Department to pay reasonable attorneys fees to the extent and in the manner provided by section 1107(b)(5). The hearing provided under this paragraph shall be conducted in accordance with the hearing procedures applicable to grievances under section 1106 and shall be in lieu of any other administrative procedure authorized or required by this or any other Act. Section 1110 shall apply to proceedings under this paragraph.

(4) Notwithstanding the hearing required by paragraph (2), at the time that the Secretary decides to separate a member of the Service for cause, the member shall be placed on leave without pay. If the member does not waive the right to a hearing, and the Board decides that cause for separation has not been established, the member shall be reinstated with back pay.

SEC. 805.

(a) RATES AND SOURCES; DEPOSITS IN FUND.

(1) Except as otherwise provided in this section, **[7]** 7.25 percent of the basic salary received by each participant shall be deducted from the salary and contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. **[An equal amount shall be contributed by the Department]** *The contribution by the employing agency shall be a percentage of basic salary equal to the percentage in effect under section 7001(d)(1) of the Balanced Budget Act of 1997 (Public Law 105-33), and section 505(h) of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106-346), plus .25 percent of basic salary, and shall be made from the appropriations or fund used for payment of the salary of the participant. The [Department] employing agency shall deposit in the Fund the amounts deducted and withheld from basic salary and the amounts contributed by the [Department] employing agency.*

(2) Notwithstanding the percentage limitation contained in paragraph (1) of this subsection—

(A) the **[Department] employing agency** shall deduct and withhold from the basic pay of a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development, who is qualified to have his annuity computed in the same manner as that of a law enforcement officer pursuant to section 8339(d) of title 5, an amount equal to that to be withheld from a law enforcement officer pursuant to section 8334(a)(1) of title 5, *plus an amount equal to .25 percent of basic pay.* The amounts so deducted shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the **[Department] employing agency** from the appropriations or fund used for payment of the salary of the participant. The **[Department] employing agency** shall deposit in the Fund the amount deducted and withheld from basic salary and amounts contributed by the **[Department] employing agency.**

(B) The **[Department] employing agency** shall deduct and withhold from the basic pay of a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development, who is qualified to have his annuity computed pursuant to section 8415(d) of title 5, an amount equal to that to be withheld from a law enforcement officer pursuant to section 8422(a)(2)(B) of title 5, *plus .25 percent.* The amounts so deducted shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the **[Department] employing agency** from the appropriations or fund used for payment of the salary of the participant. The Department shall deposit in the Fund the amounts deducted and withheld from basic salary and amounts contributed by the Department.

(3) For service as a special agent, paragraph (1) shall be applied by substituting for “7 percent” the percentage that ap-

plies to law enforcement officers under section 8334(a)(1) of title 5, United States Code, *plus .25 percent.*

* * * * *

SEC. 806. COMPUTATION OF ANNUITIES.

(a) MEASUREMENTS; REDUCTION FOR SPECIAL CONTRIBUTIONS; FOREIGN SERVICE INVESTIGATOR/INSPECTORS. (1) * * *

* * * * *

(8) * * *

(9) *For purposes of any annuity computation under this subsection, the basic salary or basic pay of any member of the Service whose official duty station is outside the continental United States shall be considered to be the salary or pay that would have been paid to the member had the member's official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member's official duty station had been Washington, D.C.*

* * * * *

SEC. 855. ENTITLEMENT TO ANNUITY.

(a) RETIREMENT OR CONDITIONS; DEFINITIONS. (1) Any participant may be retired under the conditions specified in section 811 (22 USC 4051) and shall be retired under the conditions specified in sections 812 and 813 (22 USC 4052 and 4053) and receive benefits under this subchapter (22 USC 4071 et seq.)

(2) For the purposes of this subsection—

(A) the term “participant”, as used in the sections referred to in paragraph (1), means a participant in the Foreign Service Pension System; and

(B) the term “System”, as used in those sections, means the Foreign Service Pension System.

(3) *For purposes of any annuity computation under this subsection, the average pay (as used in section 8414 of title 5, United States Code) of any member of the Service whose official duty station is outside the continental United States shall be considered to be the salary that would have been paid to the member had the member's official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member's official duty station had been Washington, D.C.*

* * * * *

SEC. 856. DEDUCTIONS AND WITHHOLDINGS FROM PAY.

(a) BASIC PAY.

(1) The employing agency shall deduct and withhold from the basic pay of each participant the applicable percentage of basic pay specified in paragraph (2) of this subsection minus the percentage then in effect under section 3101(a) of the Internal Revenue Code of 1986 (26 U.S.C. 3101(a)) (relating to the rate of tax for old age, survivors, and disability insurance).

(2) The applicable percentage under this subsection shall be as follows:

7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.
【7.5	After December 31, 2000.】
7.75	<i>After December 31, 2001.</i>
* *	* *

SEC. 901. TRAVEL AND RELATED EXPENSES.

The Secretary may pay the travel and related expenses of members of the Service and their families, including costs or expenses incurred for—

- (1) proceeding to and returning from assigned posts of duty;
- (2) authorized or required home leave;

* * * * * *

(8) trips by a member of the Service, *and members of his or her family*, for purposes of family visitation in situations where the family of the member is prevented by official order from accompanying the member to, or has been ordered from, the assigned post of the member because of imminent danger due to the prevalence of disturbed conditions, except that—

* * * * * *

SEC. 904. HEALTH CARE.

(a) * * *

(b) Any such health care program may include (1) medical examinations for applicants for employment, (2) medical examinations and inoculations or vaccinations, and other preventive and remedial care and services as necessary, for members of the Service and employees of the Department who are citizens of the United States and for members of their 【families, and (3)】 *families, (3) health education and disease prevention programs for all employees, and (4) examinations necessary in order to establish disability or incapacity of participants in the Foreign Service Retirement and Disability System or Foreign Service Pension System or to provide survivor benefits under chapter 8.*

* * * * * *

SEC. 1003. APPLICATION.

(a) This chapter applies only with respect to the Department of State, the 【Broadcasting Board of Governors】 *United States International Broadcasting Agency*, the Agency for International Development, the Department of Agriculture, and the Department of Commerce.

* * * * * *

SEC. 1101. DEFINITION OF GRIEVANCE.

(a) * * *

* * * * * *

(c) This chapter applies only with respect to the Department of State, the 【Broadcasting Board of Governors】 *United States International Broadcasting Agency*, the Agency for International Development,

opment, the Department of Agriculture, and the Department of Commerce.

* * * * *

SEC. 1104. TIME LIMITATIONS.

(a) A grievance is forever barred under this chapter unless it is filed with the Department not later than two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant's rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, [but in no case less than two years] *but in no case more than three years* after the occurrence giving rise to the grievance. There shall be excluded from the computation of any such period any time during which, as determined by the Foreign Service Grievance Board, the grievant was unaware of the grounds for the grievance and could not have discovered such grounds through reasonable diligence.

(b) * * *

* * * * *

SEC. 1106. BOARD PROCEDURES.

The Board may adopt regulations concerning its organization and procedures. Such regulations shall include provision for the following:

(1) * * *

* * * * *

(8) If the Board determines that the Department is considering [the involuntary separation of the grievant,] disciplinary action against the [grievant, or] *grievant or* recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the Board and that such action should be suspended, the Department shall suspend such action until the date which is one year after such determination or until the Board has ruled upon the grievance, whichever comes first. The Board shall extend the one-year limitation under the preceding sentence and the Department shall continue to suspend such action, if the Board determines that the agency or the Board is responsible for the delay in the resolution of the grievance. The Board may also extend the 1-year limit if it determines that the delay is due to the complexity of the case, the unavailability of witnesses or to circumstances beyond the control of the agency, the Board or the grievant. Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude the grievant from official premises or from the performance of specified functions when such exclusion is determined in writing to be essential to the functioning of the post or office to which the grievant is assigned. [Notwithstanding the first sentence of this paragraph, the Board's authority to suspend such action shall not extend to instances where the Secretary, or his designee, has exercised his authority under subsection (a)(3) of section 610 or with respect to any action which would delay the separation of an employee pursuant to a reduction in force conducted under section 611.]

(9) The Board may reconsider any decision upon presentation of newly discovered or previously unavailable material evidence.

* * * * *

Foreign Relations Authorization Act, Fiscal Years 1986 and 1987

* * * * *

SEC. 814. UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL.

(a) ESTABLISHMENT.—There is established the United States Senate Caucus on International Narcotics Control (hereafter in this section referred to as the “Caucus”).

* * * * *

(i) TERMINATION.—The Caucus shall cease to exist on September 30, **[2002]** *2005*.

* * * * *

Foreign Relations Authorizations Act, Fiscal Years 1988 and 1989

SEC. 124. REPORT ON EXPENDITURES MADE FROM APPROPRIATION FOR EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

The Secretary of State shall provide to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives **[within 30 days after the end of each quarter of the fiscal year]** *not later than May 1 and November 1 of each year* a complete report, including amount, payee, and purpose, of all expenditures made from the appropriation for “Emergencies in the Diplomatic and Consular Service” for **[that quarter]** *the preceding half of the fiscal year that ended March 31 and September 30, respectively*. Items included in each such report concerning representation, official travel, and gifts shall be submitted in unclassified form.

* * * * *

Foreign Relations Authorizations Act, Fiscal Years 1994 and 1995

SEC. 140. Visas.

(a) SURCHARGE FOR PROCESSING CERTAIN VISAS.—

(1) * * *

(2) * * *

(3) For each of the fiscal years 2000, **[2001, and 2002,]** *2001, 2002, and 2003*, any amount collected under paragraph (1) that exceeds \$316,715,000 for fiscal year 2000, \$316,715,000 for fiscal year 2001, **[and \$316,715,000 for fiscal year 2002]** *\$420,000,000 for fiscal year 2002, and \$460,000,000 for fiscal*

year 2003, may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

* * * * *

SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) * * *

(b) * * *

* * * * *

(2) **SUBSEQUENT FISCAL YEARS.**—**[Funds]** (A) *IN GENERAL.*—*Except as provided in subparagraph (B), funds authorized to be appropriated for “Contributions for International Peacekeeping Activities” for any fiscal year after fiscal year 1995 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total of all assessed contributions for that operation.*

(B) *REDUCTION IN UNITED STATES SHARE OF ASSESSED CONTRIBUTIONS.*—*Notwithstanding the percentage limitation contained in subparagraph (A), the United States share of assessed contributions for each United Nations peacekeeping operation during the following periods is authorized to be as follows:*

(i) *For assessments made during calendar year 2001, 28.15 percent.*

(ii) *For assessments made during calendar year 2002, 27.90 percent.*

(iii) *For assessments made during calendar year 2003, 27.40 percent.*

(3) * * *

* * * * *

SEC. 409. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) **ASSESSED CONTRIBUTIONS.**—* * *

* * * * *

[(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit to the Congress a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.]

* * * * *

Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001

* * * * *

SEC. 232. FEES RELATING TO AFFIDAVITS OF SUPPORT.

* * * * *

(c) TREATMENT OF FEES.—Fees collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of providing consular services. *Such fees shall remain available for obligation until expended.*

[(d) COMPLIANCE WITH BUDGET ACT.—Fees collected under the authority of subsection (a) shall be available only to such extent or in such amounts as are provided in advance in an appropriation Act.]

* * * * *

SEC. 604. AUTHORIZATIONS OF APPROPRIATIONS.

* * * * *

(a) AUTHORIZATION OF APPROPRIATIONS.—IN ADDITION TO AMOUNTS OTHERWISE AUTHORIZED TO BE APPROPRIATED BY THIS OR ANY OTHER ACT, THERE ARE AUTHORIZED TO BE APPROPRIATED FOR “EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE”—

- (1) for fiscal year 2000, \$900,000,000;
- (2) for fiscal year 2001, \$900,000,000;
- (3) for fiscal year 2002, \$900,000,000;
- (4) for fiscal year 2003, [\$900,000,000] *\$1,000,000,000*; and
- (5) for fiscal year 2004, \$900,000,000.

* * * * *

SEC. 931. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.— * * *

(b) CONDITIONS.— * * *

(1) CONTESTED ARREARAGES.— * * *

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed [25 percent] *28.15 percent* for any single United Nations member.

* * * * *

Foreign Affairs Reform and Restructuring Act of 1998

* * * * *

SEC. 2205. [PILOT] PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) * * *

* * * * *

[(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2002, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

* * *]

(b) * * *

[(c) REPORTING ON PILOT PROGRAM.—Two years after the date of enactment of this Act,] (c) REPORTING ON PROGRAM.—*Not later than February 1 of each even-numbered calendar year, the Sec-*

retary of State shall submit a report to the appropriate congressional committees containing—

United States International Broadcasting Act of 1994

* * * * *

SEC. 304. ~~ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS~~ *UNITED STATES INTERNATIONAL BROADCASTING AGENCY.*

[(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

[(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

[(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998 and holding office as of that date may serve the remainder of their terms of office without reappointment.

[(3) INSPECTOR GENERAL AUTHORITIES.—

[(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

[(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.]

(a) *EXISTENCE WITHIN THE EXECUTIVE BRANCH.—*

(1) *IN GENERAL.—There is in the executive branch of Government the United States International Broadcasting Agency (in this title referred to as the “Agency”), which is an entity described in section 104 of title 5, United States Code, and which shall be directed by a Board of Governors.*

(2) *INSPECTOR GENERAL AUTHORITIES.—*

(A) *IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Agency and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.*

(B) *RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.*

(b) * * *

* * * * *

SEC. 305. AUTHORITIES OF THE [BOARD] AGENCY.

(a) **AUTHORITIES.**—The [Board] Agency shall have the following authorities:

(1) * * *

* * * * *

(4) To review, evaluate, and determine, at least [annually,] *annually*, after consultation with the Secretary of State, the addition or deletion of language services.

* * * * *

(10) To the extent considered necessary to carry out the functions of the [Board] Agency, procure supplies, services, and other personal property.

(11) To appoint such staff personnel for the [Board] Agency as the [Board] Agency may determine to be necessary, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(12) To obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations (which for each of the fiscal years 1998 and 1999 may not exceed the amount made available to the [Board] Agency and the International Broadcasting Bureau for such purposes for fiscal year 1997).

(13) To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial services by the Bureau and by grantees and the steps the [Board] Agency has taken to reduce unnecessary overhead costs for each of the broadcasting services.

(14) The [Board] Agency may provide for the use of United States Government transmitter capacity for relay of Radio Free Asia.

(15) (A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the “Economy Act”), such goods and services from other departments or agencies for the [Board] Agency and the International Broadcasting Bureau as the [Board] Agency determines are appropriate.

(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the [Board] Agency considers necessary in carrying out the provisions and purposes of this title.

(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the [Board] Agency before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.

(19) *Notwithstanding section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461 (a)), or section 208 of the United States Information Agency Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a), to distribute in the United States program material prepared by the Voice of America's Special English Service.*

(b) DELEGATION OF AUTHORITY.—The [Board] Agency may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the [Board] Agency determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).

(c) BROADCASTING BUDGETS.—The Director of the Bureau and the grantees identified in sections 308 and 309 shall submit proposed budgets to the [Board] Agency. The [Board] Agency shall forward its recommendations concerning the proposed budget for the [Board] Agency and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Office of Management and Budget.

(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the [Board] Agency, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the [Board] Agency.

* * * * *

SEC. 306. ROLE OF THE SECRETARY OF STATE.

(a) FOREIGN POLICY GUIDANCE.—To assist the [Board] Agency in carrying out its functions, the Secretary of State shall provide information and guidance on foreign policy issues to the [Board] Agency, as the Secretary may deem appropriate.

(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the [Broadcasting Board of Governors] United States International Broadcasting Agency shall provide access to Worldnet for this purpose on a nonreimbursable basis.

SEC. 307. INTERNATIONAL BROADCASTING BUREAU.

(a) **ESTABLISHMENT.**—There is hereby established an International Broadcasting Bureau under the [Board] Agency (hereafter in this title referred to as the “Bureau”), to carry out all non-military international broadcasting activities supported by the United States Government other than those described in sections 308 and 309.

(b) **SELECTION OF THE DIRECTOR OF THE BUREAU.**—The Director of the Bureau shall be appointed by the Chairman of the [Board] Agency, in consultation with the President, by and with the advice and consent of the Senate. The Director of the Bureau shall be entitled to receive compensation at the rate prescribed by law for level IV of the Executive Schedule.

(c) **RESPONSIBILITIES OF THE DIRECTOR.**—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the [Broadcasting Board of Governors] *United States International Broadcasting Agency*, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.

SEC. 308. LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO LIBERTY.

(a) **BOARD OF RFE/RL, INCORPORATED.**—The [Board] Agency may not make any grant to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the [Broadcasting Board of Governors] *United States International Broadcasting Agency* established under section 304 and of no other members; and

(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it considers necessary to carry out the purposes of the grant provided under this title.

(b) **LOCATION OF PRINCIPAL PLACE OF BUSINESS.**—

(1) The [Board] Agency may not make any grant to RFE/RL, Incorporated unless the headquarters of RFE/RL, Incorporated and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the [Board] Agency.

(2) Not later than 90 days after confirmation of all members of the [Board] Agency, the [Board] Agency shall provide a report to Congress on the number of administrative, managerial, and technical staff of RFE/RL, Incorporated who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.

(c) LIMITATION ON GRANT AMOUNTS.—[The total amount of grants made by the Board for the operating costs of Radio Free Europe and Radio Liberty may not exceed \$75,000,000 for any fiscal year after fiscal year 1995] *The total amount of grants made for the operating costs of RFE/RL, Incorporated, may not exceed \$85,000,000 in fiscal year 2002 or fiscal year 2003.*

(d) ALTERNATIVE GRANTEE.—If the [Board] Agency determines at any time that RFE/RL, Incorporated, is not carrying out the functions described in section 309 in an effective and economical manner, the [Board] Agency may award the grant to carry out such functions to another entity after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the [Board] Agency may reasonably require.

* * * * *

(g) GRANT AGREEMENT.—Grants to RFE/RL, Incorporated, by the [Board] Agency shall only be made in compliance with a grant agreement. The grant agreement shall establish guidelines for such grants. The grant agreement shall include the following provisions—

(1) that a grant be used only for activities which the [Board] Agency determines are consistent with the purposes of subsection (f);

(2) that RFE/RL, Incorporated, shall otherwise comply with the requirements of this section;

(3) that failure to comply with the requirements of this section may result in suspension or termination of a grant without further obligation by the [Board] Agency or the United States;

(4) that duplication of language services and technical operations between RFE/RL, Incorporated and the International Broadcasting Bureau be reduced to the extent appropriate, as determined by the [Board] Agency; and

(5) that RFE/RL, Incorporated, justify in detail each proposed expenditure of grant funds, and that such funds may not be used for any other purpose unless the [Board] Agency gives its prior written approval.

(h) PROHIBITED USES OF GRANT FUNDS.—No grant funds provided under this section may be used for the following purposes:

(1)(A) Except as provided in subparagraph [(B),] (B) or (C), to pay any salary or other compensation, or enter into any contract providing for the payment of salary or compensation in excess of the rates established for comparable positions under title 5 of the United States Code or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in excess of the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) Salary and other compensation limitations under subparagraph (A) shall not apply prior to October 1, 1995, with respect to any employee covered by a union agreement requiring a salary or other compensation in excess of such limitations.

(C) *Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/*

RL, Incorporated to pay not more than four employees employed in Washington, D.C. salary or other compensation at a rate not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

* * * * *

(5) To compensate freelance contractors without the approval of the [Board] Agency.

(i) REPORT ON MANAGEMENT PRACTICES.—(1) Effective not later than March 31 and September 30 of each calendar year, the Inspector General of the Department of State and the Foreign Service shall submit to the [Board] Agency and the Congress a report on management practices of RFE/RL, Incorporated, under this section. The Inspector General of the Department of State and the Foreign Service shall establish a special unit within the Inspector General's office to monitor and audit the activities of RFE/RL, Incorporated, and shall provide for on-site monitoring of such activities.

* * * * *

SEC. 309. RADIO FREE ASIA.

(a) * * *

* * * * *

(c) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

(1) The [Board] Agency may not make any grant to Radio Free Asia unless the headquarters of Radio Free Asia and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the [Board] Agency.

* * * * *

(4) [Grants made for the operating costs of Radio Free Asia may not exceed \$30,000,000 in each of the fiscal years 2000 and 2001] *Grants made for the operating costs of Radio Free Asia may not exceed \$35,000,000 in each of the fiscal years 2002 and 2003.*

* * * * *

(e) ASSESSMENT OF THE EFFECTIVENESS OF RADIO FREE ASIA.—Not later than 3 years after the date on which initial funding is provided for the purpose of operating Radio Free Asia, the [Board] Agency shall submit to the appropriate congressional committees a report on—

* * * * *

(f) SUNSET PROVISION.—The [Board] Agency may not make any grant for the purpose of operating Radio Free Asia after September 30, 2009.

(g) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The [Board] Agency shall notify the appropriate congressional committees before entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any

other region in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the [Board] Agency shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities.

* * * * *

SEC. 313. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

(a) **LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.**—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the purposes of broadcasting subject to [the direction and] supervision of the [Board] Agency shall not be available for obligation or expenditure—

* * * * *

SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

(a) **EMERGENCY AUTHORITY.**—

(1) *IN GENERAL.*—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to furnish such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

(2) *SUPERSEDES EXISTING LAW.*—The authority of paragraph (1) supersedes any other provision of law.

(3) *SURGE CAPACITY DEFINED.*—In this subsection, the term ‘surge capacity’ means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) *IN GENERAL.*—Effective October 1, 2001, there is authorized to be appropriated to the President such amounts as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed \$10,000,000.

(2) *AVAILABILITY OF FUNDS.*—Amounts appropriated under this subsection are authorized to remain available until expended.

(3) *DESIGNATION OF APPROPRIATIONS.*—Amounts appropriated under this subsection may be referred to as the “United States International Broadcasting Surge Capacity Fund”.

The Radio Broadcasting to Cuba Act

* * * * *

ADDITIONAL FUNCTIONS OF THE [BROADCASTING BOARD OF GOVERNORS] *UNITED STATES INTERNATIONAL BROADCASTING AGENCY*

SEC. 3.

(a) In order to carry out the objectives set forth in section 2, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* (hereafter in this Act referred to as the “[Board] Agency”) shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

* * * * *

(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 per centum or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* may lease time on commercial or noncommercial educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 per centum of the programing broadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated “Voice of America: Cuba Service” or “Voice of America: Radio Marti program”.

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* may, for the period in which the facilities are inoperable but not to exceed one hundred and fifty days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE INTERNATIONAL BROADCASTING BUREAU

SEC. 4.

The [Broadcasting Board of Governors] *United States International Broadcasting Agency* shall establish within the International Broadcasting Bureau a Cuba Service (hereafter in this section referred to as the “Service”). The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The [Broadcasting Board of Governors] *United States International Broadcasting Agency* shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other International Broadcasting Bureau functions and the head of

the Cuba Service shall report directly to the Board of the International Broadcasting Bureau.

ADVISORY BOARD FOR CUBA BROADCASTING

SEC. 5.

(a) There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this division referred to as the "Advisory Board"). The Advisory Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Advisory Board to serve as chairperson.

(b) The Advisory Board shall review the effectiveness of the activities carried out under this Act and the Television Broadcasting to Cuba Act shall make such recommendations to the President and the [Broadcasting Board of Governors] *United States International Broadcasting Agency* as it may consider necessary.

* * * * *

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 6.

(a) In order to assist the [Broadcasting Board of Governors] *United States International Broadcasting Agency* in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the [Board] *Agency*. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The [Board] *Agency* may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the [Board] *Agency* determines will be most effective.

FACILITY COMPENSATION

SEC. 7.

(a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Accordingly, the [Board] *Agency* may make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred before, on or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees.

Such expenses shall be limited to the costs of equipment replaced (less depreciation) and associated technical and engineering costs.

(c) The Federal Communications Commission shall issue such regulations and establish such procedures for carrying out this section as the Federal Communications Commission finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after enactment of this Act.

(d) There are authorized to be appropriated to the [Board] Agency, \$5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 8.

(a) There are authorized to be appropriated for the [Broadcasting Board of Governors] *United States International Broadcasting Agency* \$14,000,000 for fiscal year 1984, and \$11,000,000 for fiscal year 1985 to carry out sections 3 and 4 of this Act. The amount obligated by the [Broadcasting Board of Governors] *United States International Broadcasting Agency* in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the [Board] Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the [Board] Agency \$54,800,000 for the fiscal year 1984 and \$54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

The Television Broadcasting to Cuba Act

* * * * *

SEC. 243. TELEVISION BROADCASTING TO CUBA.

(a) TELEVISION BROADCASTING TO CUBA. In order to carry out the purposes set forth in section 242 and notwithstanding the limitation of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* (hereafter in this part referred to as the "Agency") shall provide for the open communication of information and ideas through the use of television broadcasting to Cuba. Television broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

* * * * *

SEC. 244. TELEVISION MARTI SERVICE.

(a) TELEVISION MARTI SERVICE.—There is within the Voice of America a Television Marti Service. The Service shall be responsible for all television broadcasts to Cuba authorized by this part. The [Broadcasting Board of Governors] *United States International Broadcasting Agency* shall appoint a head of the Service who shall report directly to the International Broadcasting Bureau. The head of the Service shall employ such staff as the head of the Service may need to carry out the duties of the Service.

(b) USE OF EXISTING FACILITIES OF THE USIA.—To assure consistency of presentation and efficiency of operations in conducting the activities authorized under this part, the Television Marti Service shall make maximum feasible utilization of Board facilities and management support, including Voice of America: Cuba Service, Voice of America, and the United States International Television Service.

(c) AUTHORITY.—The [Board] *Agency* may carry out the purposes of this part by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the [Board] *Agency* determines will be most effective.

* * * * *

SEC. 246. ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.

In order to assist the [Broadcasting Board of Governors] *United States International Broadcasting Agency* in carrying out the provisions of this part, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the [Board] *Agency*.

* * * * *

The United States Information and Educational Exchange Act of 1948

* * * * *

USIA SATELLITE AND TELEVISION

SEC. 505.

(a) IN GENERAL.—The [Broadcasting Board of Governors] *United States International Broadcasting Agency* is authorized to lease or otherwise acquire time on commercial or United States Government satellites for the purpose of transmitting materials and programs to posts and other users abroad.

(b) BROADCAST PRINCIPLES.—The Congress finds that the long-term interests of the United States are served by communicating directly with the peoples of the world by television. To be effective, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* must win the attention and respect of viewers. These principles will therefore govern the television broadcasts of the United States International Television Service:

* * * * *

(c) PROGRAMS.—The [Broadcasting Board of Governors] *United States International Broadcasting Agency* is authorized to produce, acquire, or broadcast television programs, via satellite, only if such programs—

* * * * *

(d) COSTS.—When a comparable program produced by United States public or commercial broadcasters and producers is available at a cost which is equal to or less than the cost of production by the United States International Television Service, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* shall use such materials in preference to the United States International Television Service produced materials.

(e) ALLOCATION OF FUNDS.—(1) Of the funds authorized to be appropriated to the [Broadcasting Board of Governors] *United States International Broadcasting Agency* not more than \$12,000,000 for the fiscal year 1990 and not more than \$12,480,000 for the fiscal year 1991 may be obligated or expended for the United States International Television Service.

(2) The [Broadcasting Board of Governors] *United States International Broadcasting Agency* shall prepare and submit to the Congress quarterly reports which contain a detailed explanation of expenditures for USIA-TV during the fiscal years 1990 and 1991. Such reports shall contain specific justification and supporting information pertaining to all programs, particularly those described in subsection (c)(4), that were produced in-house by USIA-TV. Each such report shall include a statement by the [Broadcasting Board of Governors] *United States International Broadcasting Agency* that, according to the best information available to the [Broadcasting Board of Governors] *United States International Broadcasting Agency*, no comparable United States commercially-produced or public television program is available at a cost which is equal to or less than the cost of production by USIA-TV.

(3) Of the funds authorized to be appropriated to the [Broadcasting Board of Governors] *United States International Broadcasting Agency*, \$1,500,000 for the fiscal year 1990 and \$1,500,000 for the fiscal year 1991 shall be available only for the purchase or use of programs produced with grants from the Corporation for Public Broadcasting or produced by United States public broadcasters.

VOICE OF AMERICA HIRING PRACTICES

SEC. 506.

(a) * * *

* * * * *

(c) REPORT.—If the [Broadcasting Board of Governors] *United States International Broadcasting Agency* determines that the prohibition under subsection (a) would require the termination of a specific Voice of America foreign language service, then, not less than 90 days before the [Board] *Agency* begins to recruit such candidates, the Board shall submit to the Committee on Foreign Rela-

tions of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning—

* * * * *

GOVERNMENT AGENCIES

SEC. 802.

(a) * * *

* * * * *

(b) * * *

* * * * *

(4)(A) Notwithstanding the other provisions of this subsection, the United States Information Agency is authorized to enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs *and is authorized to enter into contracts for periods not to exceed ten years to acquire local broadcasting services outside the United States.*

* * * * *

Foreign Assistance Act of 1961

* * * * *

SEC. 116. HUMAN RIGHTS.

(a) * * *

* * * * *

(d) * * *

(1) * * *

* * * * *

(7) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998) **[and]**;

(8) wherever applicable, consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation act of 1987) **[.]** ; and

(9) *for each country with respect to which a determination has been made that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.*

* * * * *

SEC. 133. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) ESTABLISHMENT OF PROGRAMS.—

* * * * *

[(d) ANNUAL REPORT.—

[(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce and the Administrator of the United States Agency for International Development, shall prepare and transmit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate an annual report on—

[(A) projects and activities carried out under programs established under subsection (a) for the prior year in priority countries identified pursuant to subsection (a)(3); and

[(B) projects and activities carried out under programs to combat corruption, improve transparency and accountability, and promote other forms of good governance established under other provisions of law for the prior year in such countries.

[(2) REQUIRED CONTENTS.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):

[(A) A description of all United States Government-funded programs and initiatives to combat corruption and improve transparency and accountability in the country.

[(B) A description of United States diplomatic efforts to combat corruption and improve transparency and accountability in the country.

[(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country.]

(e) * * *

* * * * *

SEC. 489. REPORTING REQUIREMENTS.

(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.— * *

*

(1) * * *

* * * * *

(7) In addition, for those countries identified pursuant to paragraph (3)(D) the following:

(A)(i) * * *

* * * * *

(C) * * *

(i) * * *

* * * * *

(viii) * * *

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

(8) *The identity, to the extent consistent with intelligence and law enforcement interests, of each foreign organization determined by the President to be a major drug trafficking organization, including a description of the activities of such organiza-*

tion during the two fiscal years preceding the fiscal year of the report.

(b) ANNUAL REPORTS ON ASSISTANCE.—

* * * * *

(c) DEFINITIONS.—In this section:

(1) MAJOR DRUG TRAFFICKING ORGANIZATION.—The term “major drug trafficking organization” means any organization engaged in substantial amounts of illicit activity to cultivate, produce, manufacture, distribute, sell, finance, or transport narcotic drugs, controlled substances, or listed chemicals, engaged in money laundering or proceeds from such activities, or that otherwise endeavors or attempts to do so, or to assist, abet, conspire, or collude with others to do so.

(2) NARCOTIC DRUG, CONTROLLED SUBSTANCE, LISTED CHEMICAL.—The terms “narcotic drug”, “controlled substance”, and “listed chemical” have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

* * * * *

SEC. 490. ANNUAL CERTIFICATION PROCEDURES.

* * * * *

(a) * * *

* * * * *

(h) * * *

(i) LIMITATION ON APPLICABILITY.—This section shall not apply during fiscal years 2002, 2003, and 2004.

* * * * *

[SEC. 490A. * * * Repealed—1995.]

SEC. 490A. LIMITATIONS DURING FISCAL YEARS 2002, 2003, AND 2004 ON ASSISTANCE FOR MAJOR DRUG-TRANSIT AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

(a) ANNUAL DETERMINATION OF MAJOR DRUG-TRANSIT OR MAJOR ILLICIT DRUG PRODUCING COUNTRIES.—Not later than October 1 of 2001, 2002, and 2003, the President shall submit to the appropriate congressional committees a report identifying each country determined by the President to be a major drug-transit country or major illicit drug producing country for the purposes of this Act.

(b) DESIGNATION OF COUNTRIES NOT ADHERING TO INTERNATIONAL AGREEMENTS AND NOT MAKING COUNTERNARCOTICS EFFORTS.—In each report under subsection (a), the President shall also—

(1) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(A) to adhere to its obligations under international counternarcotics agreements; and

(B) to take the counternarcotics measures set forth in section 489(a)(1); and

(2) include a justification for each country so designated.

(c) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—In the case of a country identified in a report for a fiscal year under subsection (a) that is also designated under subsection (b) in the re-

port for such fiscal year, United States assistance may be provided to the country in such fiscal year only if the President determines and reports to the appropriate congressional committees that—

(1) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(2) commencing at any time after October 1 of such fiscal year, the country has made substantial efforts—

(A) to adhere to its obligations under international counternarcotics agreements; and

(B) to take the counternarcotics measures set forth in section 489(a)(1).

(d) *INTERNATIONAL COUNTERNARCOTICS AGREEMENT DEFINED.*—*In this section, the term ‘international counternarcotics agreement’ means—*

(1) *the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or*

(2) *any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—*

(A) *the production, distribution, and interdiction of illicit drugs,*

(B) *demand reduction,*

(C) *the activities of criminal organizations,*

(D) *international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence),*

(E) *the extradition of nationals and individuals involved in drug-related criminal activity,*

(F) *the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity,*

(G) *border security,*

(H) *money laundering,*

(I) *illicit firearms trafficking,*

(J) *corruption,*

(K) *control of precursor chemicals,*

(L) *asset forfeiture, and*

(M) *related training and technical assistance;*

and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues.

* * * * *

SEC. 502B. HUMAN RIGHTS.

(a)(1) * * *

* * * * *

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall

include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the prevention and punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998). *Such report shall also include, for each country with respect to which a determination has been made that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.* Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

* * * * *

Foreign Narcotics Kingpin Designation Act

SEC. 805. BLOCKING ASSETS AND PROHIBITING TRANSACTIONS.

(a) * * *

* * * * *

[(f) JUDICIAL REVIEW.—The determinations, identifications, findings, and designations made pursuant to section 804 and subsection (b) of this section shall not be subject to judicial review.]

* * * * *

Arms Export Control Act

* * * * *

SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.

(a) The President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not more than sixty days after the end of each quarter an unclassified report (except that any material which was transmitted in classified form under subsection (b)(1) or (c)(1) of this section may be contained in a classified addendum to such report, and any letter of offer referred to in paragraph (1) of this subsection may be listed in such addendum unless such letter of

offer has been the subject of an unclassified certification pursuant to subsection (b)(1) of this section, and any information provided under paragraph **[(11)] (10)** of this subsection may also be provided in a classified addendum containing—

(1) * * *

* * * * *

(6) * * *

[(7)] an estimate of—

[(A)] the number of United States military personnel, the number of United States Government civilian personnel, and the United States civilian contract personnel, who were in each foreign country at the end of that quarter, and

[(B)] the number of members of each such category of personnel who were in each foreign country at any time during that quarter,

[in implementation of sales and commercial exports under this Act or of assistance under chapter 2, 5, 6, or 8 of part II of the Foreign Assistance Act of 1961, including both personnel assigned to the country and personnel temporarily in the country by detail or otherwise;]

[(8)] (7) a description of each payment, contribution, gift, commission, or fee reported to the Secretary of State under section 39, including (A) the name of the person who made such payment, contribution, gift, commission, or fee; (B) the name of any sales agent or other person to whom such payment, contribution, gift, commission, or fee was paid; (C) the date and amount of such payment, contribution, gift, commission, or fee; (D) a description of the sale in connection with which such payment, contribution, gift, commission, or fee was paid; and (E) the identification of any business information considered confidential by the person submitting it which is included in the report;

[(9)] (8) a listing of each sale under section 29 during the quarter for which such report is made, specifying (A) the purchaser, (B) the United States Government department or agency responsible for implementing the sale, (C) an estimate of the dollar amount of the sale, and (D) a general description of the real property facilities to be constructed pursuant to such sale;

[(10)] (9) a listing of the consents to third-party transfers of defense articles or defense services which were granted, during the quarter for which such report is submitted, for purposes of section 3(a)(2) of this Act, the regulations issued under section 38 of this Act, or section 505(a)(1)(B) of the Foreign Assistance Act of 1961, if the value (in terms of original acquisition cost) of the defense articles or defense services to be transferred is \$1,000,000 or more;

[(11)] (10) a listing of all munitions items (as defined in section 40(1)(1)) which were sold, leased, or otherwise transferred by the Department of Defense to any other department, agency, or other entity of the United States Government during the quarter for which such report is submitted (including the name of the recipient Government entity and a discussion of what that entity will do with those munitions items) if—

(A) * * *

(B) * * *

[(12)] (11) a report on all concluded government-to-government agreements regarding foreign coproduction of defense articles of United States origin and all other concluded agreements involving coproduction or licensed production outside of the United States of defense articles of United States origin (including coproduction memoranda of understanding or agreement) that have not been previously reported under this subsection, which shall include—

* * * * *

[(13)] (12) a report on all exports of significant military equipment for which information has been provided pursuant to section 38(i).

* * * * *

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996

* * * * *

[SEC. 574. ANNUAL REPORT ON ECONOMIC AND SOCIAL GROWTH.

[(a) REPORTING REQUIREMENT.—The President shall submit to the appropriate congressional committees an annual report providing a concise overview of the prospects for economic and social growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include criteria regarding wage and price controls, State ownership of production and distribution, State control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections and a country's commitment to stimulate education, health and human development.

[(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

[(1) for which in excess of \$5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10 and 11 of part I, and chapter 4 of part II of the Foreign Assistance of 1961, and under the Support for East European Democracy Act of 1989; or

[(2) for which in excess of \$1,000,000 has been obligated during the previous fiscal year by the Overseas Private Investment Corporation.

[(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas Private Invest-

ment Corporation. The report shall be submitted with the annual congressional presentation for appropriations.】

* * * * *

An Act to Establish a Commission on Security and Cooperation in Europe

* * * * *

[SEC. 5.

【In order to assist the Commission in carrying out its duties, the President shall submit to the Commission an annual report, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.】

SEC. 5.

In order to assist the Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization for Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is particular concern relating to the implementation of OSCE commitments or where an OSCE presence exists. Such summary shall address the role played by OSCE institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period from January 1 to December 31, shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the Internet website of the Department of State.

* * * * *

International Religious Freedom Act of 1998

* * * * *

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SEC. 102. REPORTS.

(a) * * *

* * * * *

(b) ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.

(1) * * *

* * * * *

(A) * * *

* * * * *

(B) VIOLATIONS OF RELIGIOUS FREEDOM. An assessment and description of the nature and extent of violations of religious freedom in each foreign country, including persecution of one religious group by another religious group, religious persecution by governmental and nongovernmental entities, persecution targeted at individuals or particular denominations or entire religions, the existence of government policies violating religious freedom, *the existence of discriminatory government policies such as sect filters*, and the existence of government policies concerning—

* * * * *

SEC. 201. ESTABLISHMENT AND COMPOSITION.

* * * * *

(d) ELECTION OF CHAIR.—At the first meeting of the Commission [in each calendar] *after May 30 of each year*, a majority of the members of the Commission present and voting shall elect the Chair of the Commission.

* * * * *

(g) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. *A member may serve after the expiration of that member's term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.*

* * * * *

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission \$3,000,000 *for each of the fiscal years 2002 through 2005* to carry out the provisions of this title.

* * * * *

SEC. 209. TERMINATION.

The Commission shall terminate on [May 14, 2003] *September 30, 2005*.

* * * * *

U.S.–China Relations Act of 2000

* * * * *

**TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S
REPUBLIC OF CHINA**

* * * * *

SEC. 302. FUNCTIONS OF THE COMMISSION.

(a) * * *

* * * * *

(h) Specific Information in Annual Reports.—The Commission's report under subsection (g) **shall include specific information** *shall include—*

(1) *specific information* as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs~~].~~; and

(2) *a description fo the status of negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives, and measures taken to safeguard Tibet's distinct historical, religious, cultural, and linguistic identity and the protection of human rights.*

* * * * *

Foreign Service Buildings Act, 1926

* * * * *

SEC. 11.

* * * * *

(b)(1) * * *

* * * * *

(4) Bidder qualification under subsection (a) shall be determined on the basis of nationality of ownership, the burden of which shall be on the prospective bidder. Qualification under subsection (a)(1) shall require evidence of (A) performance of similar construction work in the United States *or at a United States diplomatic or consular establishment abroad*, and (B) either (i) ownership in excess of fifty percent by United States citizens or permanent residents, or (ii) incorporation in the United States for more than three years and employment of United States citizens or permanent residents in more than half of the corporation's permanent full-time professional and managerial positions in the United States.

* * * * *

Omnibus Diplomatic Security and Antiterrorism Act of 1986

* * * * *

SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.

(a) SECURITY FUNCTIONS.—(1) The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(A) protection of all United States Government personnel on official duty abroad (other than *Voice of America correspond-*

ents on official assignment and those personnel under the command of a United States area military commander) and their accompanying dependents;

* * * * *

SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

* * * * *

(c) DEFINITIONS.—For the purposes of this section—

(1) * * *

(2) the term “United States person” means a person which—

(A) * * *

* * * * *

(D) has performed within the United States *or at a United States diplomatic or consular establishment abroad* administrative and technical, professional, or construction services similar in complexity, type of construction, and value to the project being bid;

* * * * *

Omnibus Trade and Competitiveness Act of 1988

* * * * *

[SEC. 2202. COUNTRY REPORTS ON ECONOMIC POLICY AND TRADE PRACTICES.

【The Secretary of State shall, not later than January 31 of each year, prepare and transmit to the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives, to the Committee on Foreign Relations and the Committee on Finance of the Senate, and to other appropriate committees of the Congress, a detailed report regarding the economic policy and trade practices of each country with which the United States has an economic or trade relationship. The Secretary may direct the appropriate officers of the Department of State who are serving overseas, in consultation with appropriate officers or employees of other departments and agencies of the United States, including the Department of Agriculture and the Department of Commerce, to coordinate the preparation of such information in a country as is necessary to prepare the report under this section. The report shall identify and describe, with respect to each country—

【(1) the macroeconomic policies of the country and their impact on the overall growth in demand for United States exports;

【(2) the impact of macroeconomic and other policies on the exchange rate of the country and the resulting impact on price competitiveness of United States exports;

【(3) any change in structural policies (including tax incentives, regulations governing financial institutions, production standards, and patterns of industrial ownership) that may affect the country’s growth rate and its demand for United States exports;

【(4) the management of the country’s external debt and its implications for trade with the United States;

[(5) acts, policies, and practices that constitute significant barriers to United States exports or foreign direct investment in that country by United States persons, as identified under section 181(a)(1) of the Trade Act of 1974 (19 U.S.C. 2241(a)(1));

[(6) acts, policies, and practices that provide direct or indirect government support for exports from that country, including exports by small businesses;

[(7) the extent to which the country's laws and enforcement of those laws afford adequate protection to United States intellectual property, including patents, trademarks, copyrights, and mask works; and

[(8) the country's laws, enforcement of those laws, and practices with respect to internationally recognized worker rights (as defined in section 507(4) of the Trade Act of 1974), the conditions of worker rights in any sector which produces goods in which United States capital is invested, and the extent of such investment.]

* * * * *

United Nations Participation Act of 1945

* * * * *

SEC. 4.

(a) PERIODIC REPORTS.— * * *

* * * * *

(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

* * * * *

(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

* * * * *

[(B) QUARTERLY REPORTS.—

[(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

[(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

[(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.]

(B) ANNUAL REPORT.—The President shall submit an annual report to the designated congressional committees on all assistance provided by the United States during the pre-

ceding calendar year to the United Nations to support peacekeeping operations. Each such report shall describe the assistance provided for each such operation, listed by category of assistance.

(f) *ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS.*—Not later than July 1 of each year, the Secretary of State shall submit a report to the designated congressional committees on the extent and disposition of all financial contributions made by the United States during the preceding year to international organizations in which the United States participates as a member.

* * * * *

[(f)] (g) *DESIGNATED CONGRESSIONAL COMMITTEES.*—In this section, the term “designated congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

[(g)] (h) *RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.*—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.

* * * * *

SEC. 11. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.

None of the funds available to the Department of State shall be used to pay the United States share of assessed contributions for the regular budget of the United Nations in an amount greater than 22 percent of the total of all assessed contributions for that budget.

United Nations Reform Act of 1999

* * * * *

SEC. 912. OBLIGATION AND EXPENDITURE OF FUNDS.

* * * * *

(b) *OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.*— * * *

* * * * *

(3) Amounts authorized to be appropriated for fiscal year 2000[, upon the certification described in section 941] *upon a certification described in section 941 with respect to the United Nations or a particular designated specialized agency, and immediately with respect to organizations to which none of the conditions in section 941(b) apply.*

[(c) *ADVANCE CONGRESSIONAL NOTIFICATION.*—Funds made available pursuant to section 911 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.]

(c) *ADVANCE CONGRESSIONAL NOTIFICATION.*—Funds made available pursuant to section 911 may be obligated and expended—

(1) *after the appropriate certification has been submitted to the appropriate congressional committees prior to payment of the funds, in the case of a certification submitted with respect to funds made available for fiscal year 1999; or*

(2) *only if the appropriate certification has been submitted to the appropriate congressional committees 15 days prior to payment of the funds, in the case of a certification submitted with respect to funds made available for fiscal year 2000.*

* * * * *

CHAPTER 4—BUDGET AND PERSONNEL REFORM

SEC. 941. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), a certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied.

(2) SPECIFIED CERTIFICATION.—A certification described in this section is **also** a certification that, with respect to the United Nations or a particular designated specialized agency, the conditions **in subsection (b)(4)** applicable to that organization are satisfied, regardless of whether the conditions **in subsection (b)(4)** applicable to any other organization are satisfied~~], if the other conditions in subsection (b) are satisfied~~].

(3) EFFECT OF SPECIFIED CERTIFICATION.—Funds made available under section 912(b)(3) upon a certification made under this section with respect to the United Nations or a particular designated specialized agency shall be limited to that portion of the funds available under that section that is allocated for the organization with respect to which the certification is made ~~and for any other organization to which none of the conditions in subsection (b) apply~~].

* * * * *

(b) CONDITIONS.—The conditions under this subsection are the following:

* * * * *

(3) **[NEW BUDGET PROCEDURES]** *BUDGET PRACTICES AND FINANCIAL REGULATIONS* FOR THE UNITED NATIONS.—The United Nations **[has established and]** is implementing budget **[procedures]** *practices* that—

(A) **[require]** *result in* the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) **[require]** *result in* the system-wide identification of expenditures by functional categories such as personnel, travel, and equipment.

* * * * *

(9) **[NEW BUDGET PROCEDURES]** *BUDGET PRACTICES AND FINANCIAL REGULATIONS*.—**[Each designated specialized agency has established procedures to—]** *The practices of each designated specialized agency—*

(A) **[require]** *result in* the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) **[require]** *result in* the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) **[require]** *result in* approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

* * * * *

The Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations Act, 1973

* * * * *

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

[After] *Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization. [Appropriations are authorized]* *Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), appropriations are authorized and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33 1/3 per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities [(other than United Nations peacekeeping operations) conducted] conducted by or under the auspices of the United Nations or through multilateral agreements.*

* * * * *

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999

* * * * *

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

* * * * *

ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of membership in the United Nations, and to pay assessed

expenses of international peacekeeping activities, \$475,000,000, to remain available until expended: *Provided*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by law: *Provided further*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member, and the share of the budget for each assessed United Nations peacekeeping operation does not exceed [25 percent] 28.15 percent for any single United Nations member.

* * * * *

Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriation Act, 2000

* * * * *

ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peacekeeping activities, \$244,000,000, to remain available until expended: *Provided*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as [the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and] the designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies: *Provided further*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any member of the agency: *Provided futher*, That, notwithstanding the preceding proviso, an additional amount, not to exceed \$107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of the enactment of this Act shall be applied or used, without fiscal year limitations, to reduce any amount owed by the United States to the United Nations.

* * * * *

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2001

* * * * *

ISEC. 738.

【Hereafter, notwithstanding any other provision of law, no housing or residence in a foreign country purchased by an agent or instrumentality of the United States, for the purpose of housing the agricultural attaché, shall be sold or disposed of without the approval of the Foreign Agricultural Service of the United States Department of Agriculture, including property purchased using foreign currencies generated under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) and used or occupied by agricultural attachés of the Foreign Agricultural Service: *Provided*, That the Department of State/Office of Foreign Buildings may sell such properties with the concurrence of the Foreign Agricultural Service if the proceeds are used to acquire suitable properties of appropriate size for Foreign Agricultural Service agricultural attachés: *Provided further*, That the Foreign Agricultural Service shall have the right to occupy such residences in perpetuity with costs limited to appropriate maintenance expenses.】

* * * * *

International Center Act

* * * * *

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: (a) in order to facilitate the conduct of foreign relations by the Department of State in Washington, District of Columbia, through the creation of a more propitious atmosphere for the establishment of foreign government and international organization offices and other facilities, the Secretary of State is authorized to develop in coordination with the Administrator of General Services for, or to sell, exchange, or lease; to foreign governments and international organizations property owned by the United States in the Northwest sections of the District of Columbia bounded by Connecticut Avenue, Yuma Street, 36th Street, Reno Road, and Tilden Street, except that portion of lot 802 in square 1964, the jurisdiction over which was transferred to the District of Columbia for use as an educational facility, upon such terms and conditions as the Secretary may prescribe. Every lease, contract of sale, deed, and other document of transfers shall provide 【(a)】 (1) that the foreign government shall devote the property transferred to use for legation purposes, or 【(b)】 (2) that the international organization shall devote the property transferred to its official uses.

(b) There is established in the Treasury of the United States an account into which may be deposited funds provided as advance payments pursuant to subsection (a).

(c) The Secretary of State may request the Secretary of the Treasury to invest such portion of the funds deposited in that account as is not, in the judgment of the Secretary of State, required to meet the current needs of the account. Such investments shall be made

by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the account, as determined by the Secretary of State, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States of comparable maturity.

* * * * *

Great Lakes Fisheries Act of 1956

SEC. 4.

(a) * * *

* * * * *

(c) The members of the advisory committees shall receive no compensation from the Government of the United States for their services as such members. Not more than **[five]** *ten* members of all the committees, designated by the committees and approved by the United States Section, may be paid by the Government of the United States for transportation expenses and per diem incident to attendance at **[each]** *the annual* meeting of the Commission or of the United States Section.

* * * * *

Fishermen's Protective Act of 1967

* * * * *

SEC. 7.

(a) * * *

(1) * * *

* * * * *

(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the **[Secretary of Commerce]** *Secretary of State*, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the seized vessel.

Mutual Educational and Cultural Exchange Act of 1961

* * * * *

SEC. 112.

(a) * * *

* * * * *

(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to

carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the **United States Information Agency** *Department of State* a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the "Working Group").

(2) For purposes of this subsection, the term "Government-sponsored international exchanges and training" means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

(3) The Working Group shall be composed as follows:

(A) The Associate Director for Educational and Cultural Affairs of the **United States Information Agency** *Department of State*, who shall act as Chair.

[(B)] A senior representative of the Department of State, who shall be designated by the Secretary of State.]

[(C)] (B) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

[(D)] (C) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

[(E)] (D) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

[(F)] (E) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

[(G)] (F) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

* * * * *

(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the **United States Information Agency** *Department of State*.

(6)(A) * * *

* * * * *

(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the **United States Information Agency** *Department of State*. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

(7) All reports prepared by the Working Group shall be submitted to the President, through the **Director of the United States**

Information Agency] *Secretary of State, acting through the Under Secretary of State for Public Diplomacy.*

* * * * *

SEC. 114. ALLOCATION OF FUNDS TRANSFERRED TO THE BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.

Of each amount transferred to the Bureau of Educational and Cultural Affairs out of appropriations other than appropriations under the heading "EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS" for support of an educational or cultural exchange program, notwithstanding any other provision of law, not more than 7.5 percent shall be made available to cover administrative expenses incurred in connection with support of the program. Amounts made available to cover administrative expenses shall be credited to the appropriations under the heading "EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS" and shall remain available until expended.

The Asia Foundation Act

* * * * *

FUNDING

[SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

] There are authorized to be appropriated to the Secretary of State \$15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this title.**]**

SEC. 404.

There are authorized to be appropriated to the Secretary of State \$15,000,000 for the fiscal year 2002 and \$15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this title.

* * * * *

Migration and Refugee Assistance Act of 1962

* * * * *

SEC. 2.

[(a) The President is hereby authorized to continue membership for the United States in the International Organization for Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on May 20, 1987. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Organization and all necessary salaries and expenses incidental to United States participation in the Organization.**]**

(a)(1) The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzer-

land, on November 24, 1998, upon entry into force of such amendments.

(2) *For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated to the President such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.*

* * * * *

Public Law 81-806

* * * * *

SEC. 2.

All financial contributions by the United States to the normal operations of the international organizations covered by this Act, which member states are obligated to support annually, shall be limited to the amounts provided in this Act: *Provided*, That contributions for special projects not regularly budgeted by such international organizations shall not be subject to the above limitation.

All financial contributions by the United States to international organizations in which the United States participates as a member shall be made by or with the consent of the Department of State regardless of the appropriation from which any such contributions is made. [The Secretary of State shall report annually to the Congress on the extent and disposition of such contributions.]

Title 5, United States Code

GOVERNMENT ORGANIZATION AND EMPLOYEES

* * * * *

SEC. 5313. POSITIONS AT LEVEL II.

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2 (2 U.S.C. 351), as adjusted by section 5318 of this title:

Deputy Secretary of Defense.

Deputy Secretary of State.

[Deputy Secretary of State for Management and Resources.]

* * * * *

SEC. 5924. COST-OF-LIVING ALLOWANCES.

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

(1) * * *

* * * * *

(4) * * *

(A) * * *

(B) The travel expenses of dependents of an employee to and from a school in the United States (or to and from a school outside the United States if the dependent is at-

tending that school for less than one year under a program approved by the school in the United States at which the dependent is enrolled, with the allowable travel expense not to exceed the cost of travel to and from the school in the United States) to obtain an American secondary or postsecondary educational institution education (other than a program of post-baccalaureate education), not to exceed one annual trip each way for each dependent. *At the election of the employee, in lieu of the transportation of the baggage of a dependent from the dependent's school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station may be paid or reimbursed to the employee, except that the amount of the payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage.* An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival in the United States for secondary education under authority contained in this subparagraph (B). Notwithstanding section 5921(6) of this title, travel expenses, for the purpose of obtaining postsecondary educational institution education (other than a program of post-baccalaureate education), may be authorized under this subparagraph (B), under such regulations as the President may prescribe, for dependents of employees who are citizens of the United States stationed in the Canal Zone. For the purposes of this subparagraph, the term "educational institution" has the meaning defined under section 1701(a)(6) of title 38.

* * * * *

SEC. 5927. ADVANCES OF PAY.

(a) UP TO THREE MONTHS' PAY MAY BE PAID IN ADVANCE—

(1) * * *

* * * * *

[(3) to a foreign national employee appointed under section 303 of the Foreign Service Act of 1980, or a nonfamily member United States citizen appointed under such section 303 (and employed under section 311 of such Act) for service at such nonfamily member's post of residence, who—

[(A) is located outside the country of employment of such foreign national employee or nonfamily member (as the case may be), in circumstances specified by the President in regulations.]

(3) to an employee compensated pursuant to section 408 of the Foreign Service Act of 1980, who—

(A) pursuant to United States Government authorization is located outside the country of employment; and

(B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.

* * * * *

Intercountry Adoption Act of 2000

* * * * *

TITLE IV—ADMINISTRATION AND ENFORCEMENT

* * * * *

SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

* * * * *

(b) ASSESSMENT OF FEES.—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services. *Such fees shall remain available for obligation until expended.*

【(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.】

(c) RESTRICTION.—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.

* * * * *

Public Law 105–277d

AN ACT PROVIDING FOR A STUDY REGARDING THE EQUITABLE USE OF
THE WATERS OF THE RIO GRANDE BELOW FORT QUITMAN, TEXAS, IN
COOPERATION WITH THE UNITED STATES OF MEXICO

SEC. 5.

Any moneys contributed by or received from the United Mexican States, *the North American Development Bank*, or *the Border Environment Cooperation Commission* for the purpose of cooperating or assisting in carrying out the provisions of this Act shall be made available for expenditure in connection with an appropriation which may be made for the purposes of this Act.

* * * * *

